

Last call for Willamette Valley canola planting

Crop enters uncharted legal territory in region next year

By **MATEUSZ PERKOWSKI**
Capital Press

Farmers have a final chance to plant canola in Oregon's Willamette Valley under special legislation before the crop enters uncharted legal territory next year.

The Oregon Department of Agriculture is accepting applications until May 11 to plant canola this autumn in time for harvest in 2019, which marks the end of a six-year program allowing 500 acres of annual production in the region.

Lawmakers imposed the 500-acre limit in 2013 after an ODA proposal to relax canola restrictions in the valley upset specialty seed producers, who feared cross-pollination with related crops as well as increased pest and disease pressure.

Initially, canola was only allowed to be grown in the area during a three-year Oregon State University study, but lawmakers later extended the 500-acre cap for another three years.

The study, conducted by OSU weed scientist Carol Mallory-Smith, concluded that canola doesn't pose a greater hazard than turnips, radish or other Brassicas.

A recommendation to the Legislature about canola's future is due from ODA later this year, but right now, it's unclear what plan the agency may propose and whether lawmakers will accept it in 2019.



Researcher Carol Mallory-Smith with flowering broccoli, left, and canola plants in the greenhouse. The Oregon State University weed scientist is studying cross pollination between plants like canola and broccoli.



Mateusz Perkowski/Capital Press File

Canola seed is emptied from a harvester into a truck in Oregon's Willamette Valley. The Oregon Department of Agriculture is accepting applications until May 11 to plant canola this autumn in time for harvest in 2019.

In the meantime, applications to ODA will help determine how much demand exists to cultivate the crop, said Anna Scharf, president of the Willamette Valley Oilseed Producers Association.

"We need to be getting a better picture of how many people want to grow," Scharf

said. "A lot of them are already growing brassica crops so they already know how to grow this."

Canola is permitted to be grown outside isolation distances for related Brassica seed crops that receive priority on a pinning map maintained by the Willamette

Valley Specialty Seed Association, she said.

For that reason, it helps to have more potential acres from which to choose — typically, up to 1,500 proposed acres are necessary to identify the 500 acres allowable for production, Scharf said.

"The biggest challenge is we have to have thousands of acres to find the 500," she said.

Among farmers, the two biggest misconceptions about growing canola under the current legislation is that they must be members of the oilseed producers association and have a contract for the crop, she said.

In reality, members of WVOA receive no preferential treatment, Scharf said. "You simply have to apply and hope to get your pin in the map."

As for contracts, none are necessary — growers can sell

canola to Willamette Biomass Processors in Rickreall, Ore., but they can also deliver it to another facility that accepts the commodity crop in Washington or elsewhere, she said.

"It is absolutely no different than if you were growing wheat," Scharf said.

Over the course of using the pinning system, it's become apparent canola growers want to plan where fields will be located a year ahead, said Greg Loberg, public relations chair for the Willamette Valley Specialty Seed Association.

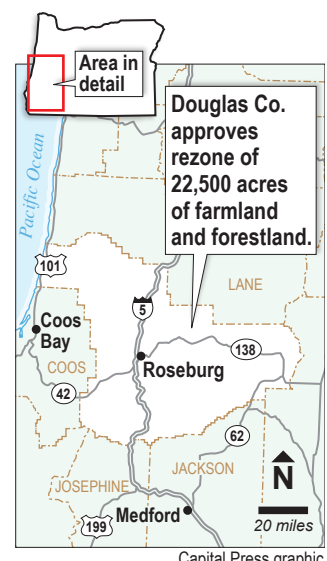
Loberg said the OSU study hasn't necessarily resolved questions about canola's coexistence with other Brassicas, since a larger acreage of the crop may prove disruptive even though 500 acres did not, Loberg said.

"You can't really know how 10,000 acres will work without growing 10,000 acres," he said.

Growers who want to see if they're within the Willamette Valley control area for canola, or one of the three other control areas for the crop, can use an online "geographic information system" map developed by ODA, said Sunny Jones, an agency employee overseeing canola issues.

Fields within the Willamette Valley control district are subject to the 500-acre cap, so growers within its boundaries must apply to ODA to grow canola. The map can be found online at oda.direct/canola.

Officials from ODA plan to solicit feedback from farmers about canola's future in the valley during meetings in May or June, but no firm dates have yet been set, Jones said.



Oregon regulators challenge county's rural housing zone

By **MATEUSZ PERKOWSKI**
Capital Press

Oregon regulators are challenging a plan to allow more rural housing on farmland and forestland in Douglas County that was approved last month.

In March, Douglas County decided to open about 22,500 acres to the development of 20-acre homes sites on properties that it had found were of marginal value for agriculture and forestry.

Two Oregon agencies — the Department of Land Conservation and Development and the Department of Fish and Wildlife — have now objected to that amendment of the county's comprehensive plan before the state's Land Use Board of Appeals.

A conservation nonprofit, 1,000 Friends of Oregon, has also appealed the change to LUBA.

"Our livelihood depends on this land," said Shelley Wetherell, president of local affiliate Friends of Douglas County. "We'd like to see it preserved long-term for farm and forest uses, not residential sprawl."

Originally, Douglas County planned to designate 35,000 acres as "rural open space" where larger parcels can be divided into 20-acre home sites.

The properties eligible for that zone change were scaled down to 22,500 acres after the county used additional data overlays to exclude higher-quality farmland, forestland and wildlife habitat from the designation.

Properties must also fall within two miles of 25 existing cities and rural communities to qualify for the new zone.

Less than 1 percent of Douglas County's total area qualifies for the "rural open space" designation and county officials only expect about one-fourth of eligible properties will be developed.

However, Friends of Douglas County believes the plan sets too high a threshold for what's considered valuable farm and forest land, said Wetherell.

Lower-quality soils, for example, "are still suitable for grazing and they may be suitable for other things," she said.

The county would allow 20-acre parcels on forestland that annually generates fewer than 85 cubic feet of timber per acre, but "a lot of logs" are harvested from such properties, Wetherell said.

Some areas in Douglas County are suitable for timber and grazing, she said. "It's dual purpose."

It's also possible that more rural development won't be financially beneficial for the county, Wetherell said. "The (tax) revenue from the houses may not be what it costs for the county services."

Josh LeBombard, Southern Oregon Regional Representative for DLCD, said state officials can't comment on the pending litigation. Capital Press was unable to reach Keith Cubic, Douglas County's planning director, for comment.

On average, appeals to LUBA are resolved within four to eight months, but the board's decision can then be challenged before the Oregon Court of Appeals.

Piping to save water in Tumalo Irrigation District

Public meeting scheduled for May 8

By **GEORGE PLAVERN**
Capital Press

The Tumalo Irrigation District in Central Oregon could save 4.9 billion gallons of water per season by converting nearly 70 miles of open ditches to pipes, according to a preliminary study by the USDA Natural Resources Conservation Service.

Greater efficiency means more water available in-stream for fish and wildlife in the Deschutes River and Tumalo Creek, including Chinook salmon, summer steelhead, bull trout and the Oregon spotted frog, which was the subject of an environmental lawsuit in 2016.

The TID Irrigation Modernization Project calls for updating infrastructure to boost water conservation, enhance stream flows and provide greater reliability for farm-



Tumalo Irrigation District

A plan to pipe nearly 70 miles of canals within the Tumalo Irrigation District would save billions of gallons of water each season.

ers in the 28,000-acre district northwest of Bend.

Project funding is available in part through the NRCS, which released its draft Watershed Plan and Environmental Assessment on April 16. A public meeting is scheduled for 6-7:30 p.m. Tuesday, May 8, at the Cascades Academy on Tumalo Reservoir Road in Bend.

Tom Makowski, assistant state conservationist for Watershed Resources and Plan-

ning with NRCS Oregon, said feedback will help the agency craft a final analysis and recommendation, which then goes to NRCS National Headquarters for authorization.

The entire project is expected to cost roughly \$43 million, broken up into seven phases through 2028. The first phase, which Makowski said they hope to start this fall, will be the focus of the May 8 meeting.

Phase I will replace 1.9

miles of Tumalo Feed Canal, with \$4.7 million provided by the NRCS Watershed Protection and Flood Prevention Act. The district will also foot \$1.5 million.

The Tumalo Irrigation District serves 667 patrons and 7,417 acres of irrigated land. Its two primary diversion sources are Tumalo Creek below Shevlin Park and the Deschutes River near Pioneer Park, along with water in Crescent Lake.

Natural resource agencies have identified stream flows in the region as a primary concern. A lawsuit filed by the Center for Biological Diversity and WaterWatch of Oregon against the Bureau of Reclamation and five irrigation districts — including Tumalo — over spotted frog habitat was settled in 2016.

According to the NRCS analysis, the district's antiquated irrigation canals and laterals also make it difficult to deliver the correct amount of water to patrons on time,

particularly early and late in the season. The modernization project would provide a more reliable source of irrigation water, while also reducing energy costs by removing the need for most patrons' individual pumps.

TID patrons currently use individual pumps to pressurize water from their private ditch or pond. Together, these pumps use approximately 6 million kilowatt-hours of electricity per year, costing \$584,000.

The TID Irrigation Modernization Project is a collaboration between the district, NRCS, Deschutes Basin Board of Control and Farmers Conservation Alliance, based in Hood River, Ore.

The NRCS is also developing draft plans for two other draft Watershed Plans for the Central Oregon and Swalley irrigation districts to take advantage of agency funding. The public scoping period is now closed for both of those proposals.

Bankruptcies point to tougher organic potato market

By **MATEUSZ PERKOWSKI**
Capital Press

A second organic potato farm in Oregon's Klamath Basin has filed for bankruptcy, potentially pointing to tougher conditions in this niche market.

Carleton Farms of Merrill, Ore., is seeking Chapter 11 bankruptcy protection, which allows companies to stay operational while restructuring debt.

The outfit grows potatoes and other crops on about 4,000 acres, with about half that acreage under organic production.

Carleton Farms owes between \$10 million and \$50 million to fewer than 100 creditors, with assets of \$1 million to \$10 million, according to its bankruptcy petition.

Umpqua Bank of Roseburg, Ore., is the company's largest unsecured creditor, with more than 70 percent of its \$17.5 million loan to the farm unsecured by collateral.

In late 2017, Wong Potatoes of Klamath Falls, which grows organic and conventional potatoes on 5,000 acres, also filed for Chapter 11 bankruptcy. The company has liabilities of \$2.9 million and assets of \$2.5 million.

Carleton Farms and Wong Potatoes have been involved in litigation against each other since 2016 over the operations of a joint venture and other disputes, according to court documents.

Regardless of these farms' particular financial troubles, experts say the organic potato industry has grown more competitive in recent years.

"I wonder if we just got too many acres too quickly," said Brian Charlton, cropping systems specialist at Oregon State University's Klamath Basin Research and Extension Center.

The Klamath Basin's high elevation and low winter temperatures help suppress fungus and insect problems in potatoes, which makes the region well-suited to organic production, he said.

Retired rancher recalls clash with imported elk

Similar story in another state

By **DON JENKINS**
Capital Press

The elk disrupting agriculture in northwest Washington reminds a retired California rancher of his battle with transplanted wildlife three decades ago.

Robin Moerman argued then that elk dropped off by California game officials near his ranch infringed on his property rights. He pursued his rights in court, but was ultimately denied a hearing by the U.S. Supreme Court.

"It wore me down," said Moerman, now 84. "It was not a good outcome."

Moerman's experiences in Mendocino County in west-central California in the 1980s and 1990s are similar to what farmers and ranchers in eastern Skagit County are going through now. In both places, state wildlife managers released elk onto nearby public land.

The elk multiplied, migrated and took up residence



Courtesy of Robin Moerman

Almost three decades ago, Robin Moerman petitioned the U.S. Supreme Court to rule whether state-transplanted elk infringed on his property rights.

on private farmland.

Moerman saw the similarities in a story in the April 13 edition of the Capital Press. "I thought, 'Holy cow, it sounds like me,'" he said.

Moerman, who was an airline pilot, bought a ranch in Potter Valley more than 40 years ago and raised cattle and sheep, and grew hay. "It was good until the elk showed up," he said.

That was the winter of 1984, according to court records. California wildlife

managers between 1978 and 1980 had released tule elk approximately 14 miles from Moerman's ranch around Lake Pillsbury in the Mendocino National Forest.

The elk had come from the Owens Valley, east of the Sierra Nevada. The herd there was formed by transplanting elk in the 1930s from Yosemite National Park. In the late 1970s, the state moved deer from the Owens Valley to ease conflicts with ranchers, according to California newspaper accounts.

Moerman said that he and wildlife managers tried hard to keep the elk from busting fences and eating hay. He armed himself with a shotgun and got on a motorcycle to scare the elk. He said he ended up scaring himself when the gun went off near his head. "It didn't work out too good," he said.

Moerman eventually sued the state for damages and to force it to keep the elk off his property. A Mendocino County judge ruled that the state did not control and were not responsible for the elk population.