



File Photo

Oregon Gov. Kate Brown has signed a drought declaration for Harney County.

Governor declares drought in third Oregon county

By **GEORGE PLAVEN**
Capital Press

Oregon Gov. Kate Brown declared a drought emergency last week in Harney County, bringing to three the total number of counties to receive a drought declaration in 2018.

The governor previously declared droughts in Klamath County in March, and Grant County in April.

According to the U.S. Drought Monitor, nearly all of southeast Oregon is experiencing moderate to severe drought. Winter snowpack has completely vanished in the Harney Basin, and is rapidly diminishing across the rest of the state.

Drought conditions in Harney County are expected to get worse in the months ahead, Brown said.

“To minimize the impacts of drought on the local economy and community, I’m directing state agencies to work with local and federal partners to provide assistance to Harney County,” she said.

By declaring drought in Harney County, the Oregon Water Resources Department may be able to issue temporary relief for agricultural producers such as emergency water use permits, water exchanges, substitutions and in-stream leases.

County officials requested a drought declaration on May 14, citing the potential for widespread and severe damage to farming, ranching, natural resources and tourism. The extended weather forecast also calls for higher-than-normal temperatures, and less-than-normal precipitation heading into summer.

Klamath Tribes sue to protect endangered fish

By **GEORGE PLAVEN**
Capital Press

The Klamath Tribes are suing three federal agencies over management of endangered shortnose and Lost River suckers in Upper Klamath Lake.

The tribes filed the lawsuit May 24 against the U.S. Fish and Wildlife Service, Bureau of Reclamation and National Marine Fisheries Service, arguing conditions in the lake have led to plummeting fish populations.

Don Gentry, chairman of the Klamath tribal council, said the suckers are vital to the tribes’ culture and subsistence. However, fish harvests decreased from more than 10,000 to just 687 between 1968 and 1985, prompting the tribes to voluntarily suspend fishing to avoid pushing the species into extinction. Today, just two fish are harvested every year for ceremonial purposes.

Both the shortnose and Lost River suckers were listed as endangered in 1988. The fish are managed under a

2013 joint biological opinion that also regulates flows down the Klamath River for coho and chinook salmon, and water for irrigation to the Klamath Project.

According to the lawsuit, the Bureau of Reclamation has allowed water level in Upper Klamath Lake to dip below minimum conservation levels for fish on several occasions in violation of the Endangered Species Act.

The tribes are asking the court for an immediate injunction both to provide enough water for the sucker fisheries, and correct deficiencies in the 2013 biological opinion.

“The science makes it clear that this was the only option left to us to address the water and fish emergency in the lake,” Gentry said.

This year is already posing several challenges in the Klamath Basin. Oregon Gov. Kate Brown declared a drought emergency in March, while regulators are also sending more water downstream to keep a parasite known as C. shasta from infecting juvenile salmon.

The bureau still has not announced a water allocation for irrigators in the Klamath Project, which has farmers and ranchers on edge.

In a statement released by the Klamath Water Users Association, Brad Kirby, general manager of the Tulelake Irrigation District and KWUA president, said the lawsuit shows the tribes have chosen “a strategy of isolation from the irrigation community.”

“We will intervene and oppose any action that could affect the already limited Klamath Project water supply,” Kirby said. “Consultation is already happening.”

Mark Buettner, a fish biologist for the Klamath Tribes, said 2018 may very well prove a tipping point for Upper Klamath Lake suckers.

“Too many fish are dying before they’re old enough to reproduce,” Buettner said. “Most of the younger fish are offspring of older fish that are nearing the end of their lifespans. We’re basically looking at a biological bottleneck.”

Yet Mark Johnson, deputy director for KWUA and a for-

mer fisheries biologist for the U.S. Geological Survey, said higher lake levels have not helped to protect sucker fish over the last 25 years.

Scott White, executive director of the KWUA, said the lawsuit could have “devastating impacts on good and honest people and our regional economy.”

The lawsuit, filed in U.S. District Court for Northern California, outlines conservation levels for suckers in Upper Klamath Lake at different times of the year, taking into account factors such as spawning habitat, water quality and protection from predators.

The Klamath Tribes have a responsibility to protect their treaty resources for current members and future generations, Gentry said.

“The Klamath Tribes look forward to continuing the valuable work we’re doing in partnership with state and federal officials, ranchers and others toward water quality improvements, water conservation and habitat restoration,” he said.

Judge dismisses lawsuit over synthetic organic inputs

USDA’s change in voting procedure isn’t ‘final agency action’

By **MATEUSZ PERKOWSKI**
Capital Press



A federal judge has dismissed a lawsuit that argued the USDA made it easier for synthetic materials to continue being used by organic farmers.

The USDA has changed how it evaluates synthetic organic inputs but this isn’t a “final agency action” that can be challenged under the Administrative Procedure Act, so U.S. District Judge Haywood Gilliam Jr. has ruled that he lacks jurisdiction in the case.

The complaint was filed by 14 organic and environmental groups, which claimed the USDA had effectively made it harder for synthetic substances to be excluded from organic production.

Synthetic substances in organic farming undergo a “sunset” process every five years under which the National Organic Standards Board recommends they either be retained or excluded.

Traditionally, the NOSB would automatically recommend eliminating a synthetic substance unless two-thirds of its 15 members voted to keep it on the organic materials list.

In 2013, however, the USDA switched the voting procedure so that a synthetic substance stayed on the list unless two-thirds of the NOSB voted to remove it.

Due to this change, a synthetic substance would not be recommended for elimination from organic farming even if a nine-person majority of the board favored its removal.

The Center for Food Safety and other plaintiffs worried the new procedure would undermine the integrity of the USDA’s organic program and discourage the development of natural alternatives to synthetic inputs.

Their lawsuit claimed that USDA didn’t follow the proper “open and transparent” rulemaking process by failing to notify the public and accept comments about the new voting procedure, thereby violating the Administrative Procedure Act.

However, the judge has decided the new procedure isn’t subject to these full rulemaking requirements because the USDA can ultimately override the board’s recommendation to remove or keep a synthetic substance.

The new procedure has “no binding outcome or definitive result” and thus isn’t a final agency action, so concerns about synthetic materials in organic food “may never materialize” regardless of the NOSB’s recommendation, Gilliam said.

“These scenarios illustrate that it would be premature for the court to intervene at this stage,” he said.

If they file a lawsuit against the “wrongful renewal” of a synthetic substance, the plaintiffs can still object to the “procedural harms” of the USDA’s new process, he said.

WESTERN CHERRY FRUIT FLY APPEARS IN REGION



Idaho Farm Bureau

The Pacific Northwest Pest Alert Network reports the Western Cherry Fruit Fly has appeared in southwest Idaho and the Mid-Columbia River region in Oregon.

On May 22 the first report of a Western Cherry Fruit Fly captured in an Idaho State Department of Agriculture species-specific trap in Canyon County. Network officials said that historically, the fly appears in Gem County about a week after the first specimen is found in Canyon County.

The fly was also found May 20 at the Oregon State University Mid-Columbia Agricultural Research and Extension Center station in Hood River.

Growers should start treating for the flies immediately, the recent alert said. White maggots infest cherries, and the mature maggot makes a hole in the cherry as it exits.

Online phenology and growing degree-day models for the Western Cherry Fruit Fly predicted the first

flight on May 21 in Ontario, Ore., and Parma, Idaho; and also in Idaho May 24 in Caldwell, May 25 in Emmett, May 29 in Boise and May 31 in Nampa, the network said.

Recommended strategies for growers include spraying one of about seven selected chemicals through harvest, at seven- to 10-day intervals, and growing early-maturing varieties.

Recommendations: <https://bit.ly/2LGJEJV>

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Weekly fieldwork report

Item/description <small>(Source: USDA, NASS, NOAA)</small>	Ore.	Wash.	Idaho	Calif.
• Days suitable for fieldwork (As of May 22)	6.2	5.1	5.3	7
• Topsoil moisture, surplus	1%	5%	20%	0
• Topsoil moisture, percent short	36%	9%	14%	75%
• Subsoil moisture, surplus	1%	5%	14%	0
• Subsoil moisture, percent short	38%	5%	17%	45%
• Precipitation probability (6-10 day outlook as of May 22)	33-50% below/Normal	33-50% below	Normal/33-40% above	Normal

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