‘It goes without saying we value human life over everything else’

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ended a hectic 45 minutes in which state, federal and local agencies discussed what to do.

WDFW wolf policy coordinator Donny Martorello said Wednesday that wildlife biologists familiar with wolf behavior thought the woman was not in immediate danger. “I think from their lens they were thinking there was a simpler solution,” he said.

“To tell the helicopter not to go was not the right call, and we have to own that,” Martorello said. “The right call was to send the helicopter. It goes without saying we value human life over everything else.”

Okanogan County, in north-central Washington, has had relatively few wolf incidents compared to Ferry and Stevens counties to the east. Sheriff Frank Rogers said the incident went “sideways,” leaving him angry that WDFW told the county’s search-and-rescue team to “stand down.”

The next day, a federal biologist warned deputies hiking to view the scene of the incident to not harass wolves, he said.

“I don’t know who’s making the calls and telling us we can’t be involved. You can’t tell me not to be involved. It’s my county,” Rogers said. “Whether it’s wolves or a guy with a gun, we’re going to go.”

Rogers said that he wanted deputies to do a follow-up investigation to assess the threat to public safety.

“I just don’t want another incident,” he said. “All we want to know is what we’re dealing with.”

U.S. Fish and Wildlife Service spokeswoman Ann Froschauer said the federal agency has no opposition to the sheriff’s office doing its own investigation. “It’s certainly the role of local law enforcement,” she said.

Authorities have not released the woman’s name, citing her wish to not be identified. “We would love to talk to the woman,” Rogers said.

Martorello said Turley, who works in the same state building in Olympia, came to his office and said DNR wanted to send a helicopter. Martorello said he put Turley on the phone with Gregg Kurz, the lead carnivore biologist in the state for the federal Fish and Wildlife Service. Kurz approved the helicopter.

Froschauer said she happened to be waiting with Kurz for a meeting on grizzly bears to start when he got the call. “Gregg said absolutely go for it. There was not hesitation on our part,” she said.

Before getting clearance from the wildlife agencies, DNR wildfire operations manager Aaron Schmidt already had approved sending the helicopter, as had the Forest Service, according to DNR records.

At one point, according to DNR call logs, the agency was prepared to “launch the rotor and will deal with aftermath of WDFW later.”

About 38,000 export containers are shipped annually from Willamette Valley, Southern Oregon

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To help agricultural shippers in the Willamette Valley avoid Portland’s traffic problems, Oregon lawmakers authorized spending $25 million for a Mid-Willamette Intermodal Facility as part of a broader transportation package.

The facility would allow containers of agricultural freight to be loaded from trucks onto trains, which would transport straw, hay, seeds, grains, potatoes, wood products and other commodities that are commonly exported from the state. Those containers would then bypass Portand’s jammed freeways on the way to major shipping terminals in Seattle and Tacoma, where they could be loaded onto ships bound for Asian ports.

Mateusz Perkowski/Capital Press

A worker loads a pallet of compressed straw into a container at a pressing facility owned by the Boshart family in Salem, Ore. Straw is one of the agricultural exports that could benefit from an intermodal facility that switches containers from trucks to rail in the mid-Willamette Valley. The facility is intended to allow agricultural goods and other exports to bypass traffic congestion in Portland.

“It makes sense for me to pull that traffic away from downtown Portland and pull it south to the Willamette Valley,” said Karla Chambers, co-owner of Stahlbush Island Farms, a grower and processor near Corvallis, Ore.

Roughly 25 to 30 percent of the company’s products are shipped out of the country and the majority are consumed outside Oregon, so reducing its dependence on increasingly scarce truck drivers would be a boon, she said.

“Anything that makes us more competitive on the transportation piece is really valuable,” Chambers said. “Whenever we have a strong dollar, we have to be as competitive as we can in every other area.”

Two options

At this point, managers of ODOT’s Connect Oregon transportation grant program have narrowed the applications for the intermodal facility to two locations south of Portland: one about 45 miles away in Brooks, proposed by the Oregon Shipping Group, and another that’s 65 miles away in Millersburg, proposed by the Linn Economic Development Group.

Proponents have until Sept. 27 to submit applications laying out the benefits of the competing sites, such as their proximity to major highways and existing rail lines, among other factors.

“Long term, the region’s got to have something like this,” said Roger Nyquist, chairman of the Linn County Board of Commissioners, who favors turning a defunct papermill in Millersburg into an intermodal facility.

“It’s a known quantity. They’d been doing it here and it worked,” he said. “As a community, we’re committed to repurposing this site.”

While the applicants are focused on the relative advantage of their preferred locations, some question the idea of spending tax dollars on the project at all.

Critics speak up

Critics of the state-funded intermodal facility have both ideological and practical concerns.

The philosophical doubts are common regarding government endeavors: Assuming the economic advantages of the project are as obvious as supporters claim, then why haven’t investors jumped at the opportunity?

“If this is worth doing, it’s worth doing with private money,” said John Charles, CEO of the Cascade Policy Institute, a free-market think tank. “If no private party wants to step in, that’s a pretty good sign there’s no social value to doing it.”

Within Portland, there are already two intermodal yards that switch containers from truck to rail owned by private companies — Northwest Container Services and Pacific Container Repair — while the Port of Portland opened a third earlier this year at its Terminal 6 container facility.

Resources are allocated most effectively by those with expertise in an industry, rather than politicians who pick “winners and losers” by distributing tax money, Charles said.

“You distort the market and create inefficiencies. It’s bad for the economy but it’s good for them politically,” he said. “Legislators are never going to understand it adequately. Only people who are in the market really understand it.”

A more specific problem identified by logistics experts relates to the relatively sparse population of the mid-Willamette Valley.

Container quandary

Farmers and timber companies in Oregon have a need for empty shipping containers, but the region doesn’t attract enough imports to bring in a sufficient number of them.

About 38,000 export containers are shipped annually from the Willamette Valley and Southern Oregon, which would be expected to benefit from the intermodal facility, while only about 9,000 containers of imports from overseas arrive in those areas each year, according to a study by the ECONorthwest consulting firm.

The imbalance means that agricultural exporters don’t have a readily available source of empty containers at their disposal and must pay to bring them to the area.

Opening an intermodal facility in the mid-Willamette Valley would require empty containers be moved from elsewhere, with the handling costs adding to the overall expense faced by shippers, according to critics. Because of the low profit margins of some farm goods, such as grass straw, using the intermodal facility wouldn’t pencil out financially for many, they say.

“Anything that adds a dollar per metric ton, that’s going to take them out of the game,” according to one transportation industry executive who did not want to be named.

The ocean carrier shipping lines that control containers will not reposition empty ones at no cost, which is why it’s tough to situate intermodal facilities in areas without a lot of paying inbound cargo, the executive said. “You want to follow the path of least resistance.”

Off-loading an empty container at the intermodal facility, reloading it onto a truck bound for a straw-compressing facility or agricultural warehouse and then offloading it again at the site isn’t cheap, the executive said. “It adds cost everywhere along the way.”

Agricultural exporters already have to pay for empties to be brought to their property, with the truck returning full to the point of origin.

It wouldn’t make sense, though, to pay for a round trip only to have the truck return empty after dropping off a container loaded with straw or other farm goods at the intermodal facility.

The only shot at making the mid-Willamette site a success would be finding a way to get loaded import containers delivered to the facility, the executive said. “If they can find that, it might work. Otherwise, they have to pay for empty repositioning into that area.”

Importers needed

ECONorthwest, the consulting firm that completed a preliminary analysis of a mid-Willamette intermodal facility, has now been hired to perform a feasibility study specific to the Millersburg site.

Based on its initial assessment, roughly three-fourths of exporters would have to bear the cost of transporting a container both ways, while one-quarter would benefit from containers brought to the region by importers, said Sarah Reich, a policy analyst with the firm.

“Based on the current flow of goods, there is a mismatch,” she said. “They’re nowhere near the same and it’s not a small difference.”

However, there may be ways to attract new importers or otherwise increase the inflow of containers, which ECONorthwest is now evaluating, Reich said.

Stricter federal time limits on driving for truckers may also affect the economics to the advantage of the intermodal facility, since such interruptions would add costs and delay shipping, possibly causing loads to miss Asia-bound ships, she said. Such considerations could push exporters to prefer rail, even with the imbalance of import and export containers, Reich said.

Kevin Mannix, director of the Oregon Shipping Group, said he has plans to attract containers with imported cargo to the Brooks site, though he can’t reveal specifics before the proposal is submitted to ODOT.

“We hope to be the more creative problem-solver,” he said.

Without going into detail, Mannix hinted there may be opportunities involving the surfeit of empty containers available at California’s Port of Long Beach.

Currently, those containers are empty as they head back over the Pacific, so sending them over full of agricultural goods would solve that problem, he said.

The intermodal facility could also serve as a stopover point for inbound containers carrying cargo that’s bound for markets in the U.S. interior, he said.

Such freight must often be reconfigured into different containers specific to trucks, potentially freeing up containers compatible with rail, Mannix said.

“Those are the kinds of devilish details we will have to work out ahead of time,” he said.

Upside for shippers

For Gary Weaver, owner of Weaver Seeds in Crabtree, Ore., the availability of truckers is a top-of-mind concern in getting his company’s seeds to Japan and South Korea, where they’re used for sprouts.

Traffic in Portland and Seattle can force drivers to stop for extended breaks required by regulation, slowing down the process of getting even a single load to those ports, he said.

If a driver simply had to get the seeds to the intermodal facility in Millersburg, he could deliver six or seven loads a day, preventing the containers from being sent across the Pacific Ocean on separate vessels, Weaver said.

“We could get it on one ship,” he said. “This is a big break.”

People are continuing to move to Portland and Seattle while those cities aren’t building major new roads, so congestion is likely to keep growing as a problem, said Shelly Boshart Davis, vice president of international sales for her family’s straw-pressing and trucking businesses, Bossco Trading and Boshart Trucking.

It’s better for Oregon lawmakers to proactively look for a solution to the problem now, before the added costs of shipping delays become prohibitive, she said. “It might be too costly for my trucks to drive to Portland or through Portland.”

Organizations whose members employ 70 percent of workers affected are opposed to the bill’s present form

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“It is disappointing that Tom Nassif, who just four years ago said immigration reform cannot wait, is now urging action to be delayed until next Congress,” Newhouse said. “His statement is certainly not helpful for this process and would cost growers a lot of money. Thankfully the speaker and majority leader have given their commitment to bring this bill to the floor and American farmers are very grateful.”

The bill provides that illegal immigrants who qualify for a new H-2C-visa guestworker program would obtain visas, then “touchout” to their country of origin or any other country and have up to a year to re-enter the U.S. as guestworkers.

Nassif said H-2C is an improvement over H-2A for growers using the guestworker program, but H-2C is not workable for many California growers who rely on domestic workers, many of whom are illegal.

“The bill would require all of those workers — and we could have 400,000 to 500,000 here in California — to stand up and say we are here illegally, so deport my spouse and convert me to a guestworker,” Nassif said. “Some of them have been here for decades. Our growers tell us that workers tell them they would rather continue living in the shadows than convert to H-2C. So we can’t support a bill that would cause us to lose our workforce.”

Nassif said he’s not asking for citizenship for illegals but legal status for them to transition to H-2C without returning to their country of origin.

Even if illegals paid a fine, legal status is amnesty in the view of too many in Congress, Nassif said.

Organizations whose members employ 70 percent of the workers affected are opposed to the bill’s present form, he said.

“We will work hard to make sure there is no vote until we get a new Congress. We don’t know which way Congress will go in the election (to which political party), but we are sure it can’t be any worse than it is now,” Nassif said.

Michael Marsh, president and CEO of the National Council for Agricultural Employers in Washington, D.C., said others share Western Growers’ concerns about E-Verify and that the larger business community outside agriculture, has been active in opposing E-Verify.

“Should all the many pieces of this legislation not work precisely and seamlessly — transition of existing workforce, the ridiculous visa cap, touchback requirement, imposition of E-Verify, timing, et cetera — the risk of exacerbating the existing agricultural workforce shortage only increases,” Marsh said.

“It’s not an easy fix. That’s why the involvement of our champions in the House (Newhouse and California Republicans Jeff Denham and David Valadao) has been so vital and appreciated. The fact that a handful of Agricultural Workforce Coalition members abandoned our unified voice doubtless complicated our champions’ efforts,” he said.

NCAE supports changes that have been made to the bill but has not taken a position being unsure if it’s the final version, Marsh said.

He fears the bill’s annual cap of 410,000 H-2C workers would result in a huge labor shortage if 50 to 70 percent of the 2 million agricultural workers estimated to be illegal left the country.

But the revised bill allows three-year visas. So 410,000 workers could come in the first year, another 410,000 the next and another 410,000 the third year for a total of 1.2 million.

The H-2A program, which has no cap, would be continued for one-year of transition into the H-2C program with H-2A workers not counted toward the H-2C cap, according to a Judiciary Committee summary of bill changes.

If the cap is reached in any year an automatic 10 percent escalator is activated and when 80 percent of those additional visas are granted the secretary of agriculture may further increase the cap.

“You can’t get much better than that. In my opinion, the cap is a non-issue. The Democratic version of a cap would be extremely problematic for ag,” said Dan Fazio, director of the farm labor association WAFLA in Olympia that recruits thousands of H-2A workers annually for Washington growers.

Senate Democrats insisted on a much tighter cap of 112,333 in a bill that NCAE, Western Growers and most ag groups supported and that passed the Senate but failed in the House in 2013.

The U.S. Department of Labor approved 200,049 H-2A guestworkers for U.S. farms in fiscal year 2017, up 20.7 percent from 165,741 in 2016. That’s about 10 percent of the 2 million seasonal ag workers needed annually nationwide to assist 500,000 year-round ag workers.

“WAFLA enthusiastically supports the bill. It’s a fantastic bill and those who don’t like it probably don’t want a bill,” Fazio said.

“WAFLA members would prefer E-Verify not be part of the bill and that we only have fixes to the guestworker program. But we committed that we would not oppose E-Verify if given a workable guestworker program like this bill,” he said.

“People who have opposed this bill have made it better, but they are also running us out of time,” Fazio said.

Jim Bair, president and CEO of U.S. Apple Association, said there have been significant improvements to the bill but did not say whether U.S. Apple supports it.

Most dairy trade associations support the bill, said Leon Sequeira, a Kentucky labor attorney and former assistant secretary of labor under President George W. Bush.

The bill gives dairy workers H-2A eligibility until H-2C is fully in place, according to the Judiciary summary. Horse training and management also would be eligible for H-2C.

Under H-2A, employers could obtain workers for up to 10 months with employers deciding their length of stay. Under H-2C, workers could decide their length of stay for up to 36 months. A 60-day touchback is required after 36 months.

Farmers and workers would have limited liability protection for the knowledge workers disclose in H-2C petitions, including legal status and requisite time in ag work.

H-2C workers would be required to purchase catastrophic health insurance if the state they work in has catastrophic health insurance for which they are eligible. Otherwise, a portion of the worker’s wages would be escrowed and forfeited to the U.S. Treasury unless no catastrophic insurance is available in that state.

The bill would reduce growers’ costs by eliminating requirements that growers provide housing for workers, transportation between the work site and country of origin and by allowing a minimum wage of the federal minimum wage plus 20 percent or the state minimum wage, whichever is higher.