

Judge backs Lost Valley dairy's wastewater remedies

By MATEUSZ PERKOWSKI
Capital Press

Englander, an attorney representing Oregon's farm regulators.

PORTLAND — An Oregon judge has sided with a controversial dairy's remedies for violating a settlement deal over wastewater management.

Multnomah County Circuit Court Judge Kelly Skye agreed on Aug. 30 to a proposal by Lost Valley Farm of Boardman, Ore., to increase storage space in its manure lagoons by recycling its wastewater.

The Oregon Department of Agriculture had requested that the facility be required to scrape manure from dairy barns rather than wash it away, which the agency argued would be accomplished more simply and quickly.

"We think it's achievable on a short timeline," said Nina

Elizabeth Howard, the dairy's attorney, argued that scraping barns would create manure piles with the potential for further water quality problems.

"There are a lot of opportunities there for incidental discharges," she said. "We don't want to be going backwards. We don't want to be having more discharges."

A week earlier, the judge found the dairy's owner, Greg te Velde, in contempt of court for violating a judgment requiring the facility to maintain at least 75 acre-feet of manure storage capacity at the site.

However, Skye did not agree to ODA's request to sanction the dairy by halting



Staff photo by E.J. Harris

The Lost Valley Farm dairy outside of Boardman. A judge in Portland Aug. 30 sided with the dairy and rejected the Oregon Department of Agriculture's request to halt wastewater production.

all wastewater production, effectively putting it out of business.

Aside from allowing the dairy to recycle wastewater, the judge also agreed with its proposal to install multiple flow meters to measure waste-

water production.

The dairy will also be required to install a weather station at the site, among other conditions.

The judge warned te Velde that the consequences would be harsher if the wastewa-

ter recycling doesn't create enough storage in manure lagoons, results in leaks or causes other issues.

"If I allow it to do it your way, I'm probably going to be harder on you," she said.

The dairy has until Oct. 5 to switch to recycling wastewater and to have a plan for installing flow meters.

It must also have at least 75 acre-feet of storage capacity in its lagoons by Nov. 6 or face the possibility of a reduction in its herd size.

"We can't just allow this to go out of compliance all winter," Skye said.

The ODA had wanted the dairy to stop producing all wastewater if it doesn't live up to the remedies, since the agency is "at the end of its rope."

"A big hammer has historically been necessary to get any movement," said Englander.

However, the judge said she preferred to scale down the herd size so the dairy could demonstrate its methods are effective at improving wastewater management.

Lost Valley Farm has repeatedly been cited by ODA for spills and other violations of its "confined animal feeding operation" permit since it began operating in April 2017.

The agency fined the dairy more than \$10,000 and sought a temporary restraining order to shut the facility down, resulting in the settlement deal over wastewater in March.

The ODA then sought a contempt of court order for te Velde, arguing he had willfully disregarded the agreement.

How tariff-mitigation aid would be distributed by state

By CAROL RYAN DUMAS
Capital Press

USDA tariff-mitigation plan

(Direct payments, millions of dollars)

| Area | Dairy | Wheat | Corn | Cotton | Total |
|--------|---------|-------|------|--------|-------|
| Calif. | \$23.83 | 0.95 | 0.14 | 13.10 | 38.01 |
| Idaho | 8.58 | 6.30 | 0.24 | NA | 15.11 |
| Wash. | 3.87 | 9.52 | 0.17 | NA | 13.55 |
| Ore. | 1.45 | 2.76 | 0 | NA | 4.21 |

NOTE: Crop payments are based on USDA August 2018 crop production report. Dairy payments are based on January-June 2018 production.

Source: American Farm Bureau Federation

Capital Press graphic

Analysts at the American Farm Bureau Federation made quick work of crunching the numbers on direct payments to farmers in USDA's tariff-mitigation strategy announced on Monday.

In their latest Market Intel report released on Aug. 28, the analysts broke down assistance payments by commodity at the state level.

While the \$6.1 billion aid package includes funding for government food purchases and trade promotion, \$4.7 billion is expected to be distributed to corn, cotton, dairy, hog, soybean, sorghum and wheat farmers through the Market Facilitation Program (MFP).

The analysts pointed out, however, that payments should be viewed as an upper limit because eligibility wasn't factored in.

"Given the impact retaliatory tariffs have had on soybean and pork prices, it should come as no surprise that the top three MFP states are top-producing soybean and hog states," the analysts said.

They estimate Illinois will take the top share of direct payments at \$596.67 million, and that Illinois, Iowa, Minnesota, Indiana and Nebraska are estimated to receive more than \$2.1 billion — 45 percent.

The top 10 states, which include some of the largest wheat and grain sorghum

states, are expected to account for 71 percent of the payments.

Broken down by commodity, Illinois will lead the way in soybean payments at \$549.61 million and Iowa will top the charts on hog payments at \$89.72 million.

Texas will be the top recipients of cotton payments at 93.89 million, and Kansas will take top sorghum payments at \$96.30 million.

California will claim the highest dairy payments at \$23.83 million, and North Dakota will lead the way in wheat payments at \$22.40 million.

"Each commodity on the list has faced tariffs of various severity in different and sometimes multiple markets, which has resulted in a wide range of trade and price disruptions," the analysts said.

"USDA's job of isolating the impact on these commodities during a summer of volatile prices was far from enviable," they said.

Payments are based on payment rates per unit of production covering 50 percent of a farmer's total actual production.

With USDA authorized

to spend \$12 billion to mitigate the retaliatory tariffs, it is expected that this is the first round of direct payments. USDA said it would make further payments if warranted. Those could cover the other half of production.

Payments are capped at \$125,000 per person or legal entity for combined livestock production and combined crop production, but the cap is separate for livestock and crops. A livestock producer who also has a crop operation could potentially receive as much as \$250,000 in direct payments.

Eligible applicants must have an ownership interest in the commodity, be actively engaged in farming and have an average adjusted gross income of less than \$900,000 for tax years 2014, 2015 and 2016.

They must also comply with the provisions of the Highly Erodible Land and Wetland Conservation regulations.

To view AFBF's full report, visit www.fb.org.

WDFW shoots Togo wolfpack male

By DON JENKINS
Capital Press

A wolf that was the subject of a court battle was killed Sept. 1 by the Washington Department of Fish and Wildlife.

A marksman in a helicopter shot the adult male wolf in Ferry County, east of Danville and just south of the U.S.-Canada border, according to Fish and Wildlife. The wolf was the first killed in the state this year to stop attacks on livestock. It had been wounded in the leg by a rancher who said he shot at the animal in self-defense Aug. 23.

A judge Aug. 31 lifted a restraining order issued Aug. 20 that had blocked the department from targeting the wolf, one of two known adults in the Togo pack. Fish and Wildlife attributes six attacks on livestock since November to the pack, including three in August.

The wolf had been trapped and fitted with a GPS collar in June. Fish and Wildlife reported that department employees searched for the wolf on the ground Friday evening and again Saturday, but were unable to find it.

The wolf was found the next morning in the pack's territory, according to the department.

Fish and Wildlife confirmed the wolf's left rear leg had been injured. The department says it will perform a necropsy.



WDFW

A wolf in the Togo pack in Ferry County in northeast Washington was killed Sept. 1 by the state Department of Fish and Wildlife. It had been involved in repeated attacks on livestock in the area.

The wolf's death leaves an adult female and pups in the pack. Fish and Wildlife said it will continue to monitor the pack and work with the rancher to prevent more attacks on livestock.

Fish and Wildlife conducted the operation. A federal judge in Tacoma, siding with environmental groups, ruled in 2015 that USDA's Wildlife Services could not help the state lethally remove wolves.

Two environmental groups, the Center for Biological Diversity and Cascadia Wildlands, sought to block Fish and Wildlife from

shooting the wolf. They claimed the department's lethal-removal policy did not undergo required scientific review.

Fish and Wildlife argued that shooting the wolf would not be a blow to establishing wolves in Washington and that the department was following guidance from an advisory group that includes environmental and animal-welfare groups.

Thurston County Superior Court Judge Carol Murphy declined to extend the order, which was issued by a different judge.

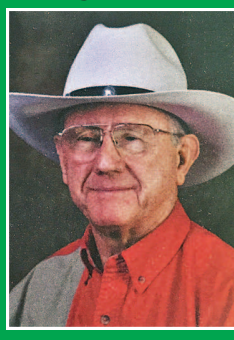
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Tires LES SCHWAB Weekly fieldwork report



| Item/description (Source: USDA, NASS; NOAA) | Ore. | Wash. | Idaho | Calif. |
|--|-----------------------------------|--------------|--------------|--------|
| • Days suitable for fieldwork (As of Aug. 28) | 7 | 6.6 | 7 | 7 |
| • Topsoil moisture, surplus | 0 | 0 | 0 | 0 |
| • Topsoil moisture, percent short | 91% | 59% | 69% | 70% |
| • Subsoil moisture, surplus | 0 | 0 | 0 | 0 |
| • Subsoil moisture, percent short | 90% | 46% | 63% | 70% |
| • Precipitation probability (6-10 day outlook as of Sept. 4) | 33-50% Above/ 33% Below (East) | 33-60% Above | 33-40% Below | Normal |

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