

WDFW takes steps to shoo elk, but no success reported

Damage to farms still a problem

By DON JENKINS
Capital Press

The Washington Department of Fish and Wildlife reports it has increased hunting, put up fences and issued permits to landowners to shoot elk, but doesn't claim success yet in keeping the animals off farmland in Skagit County.

In a new report to legislators, the department outlines its response to complaints that the North Cascades elk herd is a problem for farmers and a hazard to motorists.

Fish and Wildlife's north Puget Sound director, Amy Windrope, said Tuesday she's hopeful the measures will work, given time. "I think we're putting in place the tools to make it better, but I don't think it's better than last year. I can't say that."

Fish and Wildlife and Native American tribes succeeded in reviving the herd over the past 15 years. The department estimates there are 1,600 elk in the herd's core area, including several hundred in valleys. With the growth has come reports of agricultural damage and vehicles colliding with elk.

Legislators in 2016 directed Fish and Wildlife to minimize the number of elk on private land and to report back by Sept. 1. The department issued a report to meet the deadline and is expected to provide more details this month in a new 10-year herd plan.

Besides hunting, fences



Don Jenkins/Capital Press

Elk graze in a valley in eastern Skagit County in northwest Washington. The state Department of Fish and Wildlife issued a report Aug. 31 outlining how it will reduce the number of elk on farmland.

and permission to shoot elk on private property, the department reports trying to create more elk habitat on public lands.

Landowner Randy Good, vice president of the Skagit County Cattlemen's Association, said Tuesday he was disappointed in Fish and Wildlife's report.

The department's plan to reduce farm damage amounts to continuing the same methods that aren't working, he said.

"The report just promotes continuing their unworkable solutions," he said.

The department issued 52 damage-control permits over a nine-month period that ended March 31, up from 40 the year before. The shootings are meant to warn elk off private land, not reduce the overall population. Good said such hazing is

ineffective. "Elk are becoming domesticated. You shoot one, and they move to the other side of the field, or your neighbor's field, but they come right back," he said.

Windrope said the department may have to find new techniques to haze elk. "We need to be smarter than the elk, and change our behavior, and the question is what will be effective."

State Sen. Keith Wagoner, a Republican who represents eastern Skagit County, said he favors letting landowners shoot an elk causing damage without waiting for a permit from Fish and Wildlife. "I think when the elk are causing an economic hardship for a person, they have the right to protect their investment," he said. "For all the good intentions, we haven't found a solution that's making farm-

ers whole again."

House Agriculture Committee Chairman Brian Blake, D-Aberdeen, said elk damage is a concern in other places, but eastern Skagit County stands out.

"I can't think of a place with as much of a conflict," he said. "I feel for Fish and Wildlife trying to unravel this."

The Skagit County Assessor's Office is surveying elk damage to agriculture. The survey won't be done until the end of the year, but the office projects the annual damage could total about \$1.4 million. Farmers can apply for up to \$10,000 in compensation from Fish and Wildlife. Farmers must hire an adjuster, submit business records and open their land to hunters. No one has filed a claim since 2016.

Lawsuit against Westland Irrigation District dismissed

By MATEUSZ PERKOWSKI
Capital Press

An Oregon judge has rejected several Umatilla Basin farmers' allegations that they've been cheated out of water, ruling that the Westland Irrigation District properly allocated water.

At the conclusion of an Aug. 30 hearing in Hermiston, Ore., Baker County Circuit Court Judge Greg Baxter dismissed a lawsuit filed against the district by the plaintiffs, ELH LLC, Oregon Hereford Ranch LLC, Paul Gelissen, Maurice and Lucy Ziemer, Craig and Cynthia Parks and Richard and Kristine Carpenter. Baxter presided over the case because judges in Umatilla County had recused themselves.

"It validates the way they've been distributing water," said Nicole Hancock, the irrigation district's attorney.

Mike Haglund, attorney for the plaintiffs, said his clients plan to appeal the decision, which essentially holds that Oregon's "prior appropriations" water rights doctrine doesn't apply to irrigation districts.

"We think he's dead wrong on his legal conclusion," Haglund said.

The complaint filed against Westland Irrigation District in 2016 claimed that smaller growers with senior water rights had been deprived of water to benefit larger operations with junior rights.

However, the judge found the district's system of distributing water was lawful and that the plaintiffs' claims were regardless time-barred by the statute of limitations, said Hancock.

"The judge made a very

solid factual legal ruling," Hancock said, adding that she's confident the decision would survive a potential appeal. "The plaintiffs never had a viable claim that could gain any traction."

The irrigation district wants to rebuild its relationship with the plaintiffs and do its best to represent the interests of all patrons, she said.

Haglund, the plaintiffs' attorney, said the irrigation district pushed water to all the acres it served on an equal basis, which meant that senior water rights owners were forced to stop irrigating instead of having a longer season.

According to the plaintiffs, the district had consistently ignored and failed to account for the "priority dates" of senior water rights holders when distributing water from the Umatilla River and the McKay Reservoir.

Instead, the district's policy has been to distribute as much water to the maximum acreage possible while disregarding the "first in time, first in right" principle of Oregon water law, the plaintiffs claimed.

The plaintiffs requested that the judge nullify contracts that allow a "select group of farmers" to use water they allegedly have no right to divert.

The irrigation district called these claims "frivolous" and argued the plaintiffs ignored case law that recognizes irrigation districts are "created for the purpose of sharing resources and risk."

Plaintiffs in the case have never been deprived of water while junior water rights holders continued to irrigate, and they wrongly claim that irrigation districts lack discretion over when and how water is allocated, the district said.

Labor issues compounded by wage inflation

By CAROL RYAN DUMAS
Capital Press

A strong U.S. economy is delivering a double whammy to agriculture, putting additional stress on profitability at a time of depressed prices.

A new study by CoBank finds as unemployment dwindles, agricultural employers are having to pay higher wages to compete for workers.

"It comes down to a strong economy," Ben Laine, a senior economist with CoBank told Capital Press.

The economy is humming, unemployment is down, it's a tight labor pool and agriculture

is having to pay high wages to attract workers, he said.

Manual laborers are chasing higher wages offered in other industries such as transportation, construction, hospitality and mining.

Wages in those other industries have always been higher than in agriculture, but those jobs weren't as widely available. Agriculture is having to increase wages at a faster rate than other industries, he said.

"It's a different situation than we've been in for the last several years," he said.

Wages in agriculture have some catching up to do and, in

many cases, the increases are more than some operations can handle, he said.

"Labor accounts for a significant share of overall operational costs for many types of farms, particularly specialty crops and dairies," he said.

That's where the most challenges are, as well as meat processing, he said.

"That's probably where they're feeling the most pain right now," he said.

In 2016, labor costs on all farms made up 10 percent of gross income. In specialty crops, that share was closer to 27 percent.

In some cases, labor costs are more than the price farmers are getting for their production, he said.

The scarcity of farm labor due to the strong economy



Photo courtesy of UCANR

Farmworkers pick jalapeno peppers this summer in Gilroy, Calif. The risk to the agriculture sector is that wages will increase to the point where it becomes more cost effective for the U.S. to import commodities rather than produce them domestically.

is exacerbated by tightening immigration controls, declining birthrates in Mexico and Mexican populations moving to urban areas - leaving fewer people with agricultural backgrounds who would be interested in U.S. farm work.

The concern he sees for agriculture is if employers can't compete on wages with other industries, the U.S. would have to look to imports from other areas, he said.

"It's hard to put a date to it, But depending on the industry

(commodity), some are getting close," he said.

There is also the possibility that some agricultural producers, like those in California's Central Valley, could move production to Mexico. That could be feasible for some but certainly not for all, he said.

"And it really comes down to what consumers will bear," he said.

Employers would be willing to pay higher wages as long as their revenue keeps pace, he said.

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