

Thurston County Conservation District supervisors claim rights violated

Lawsuit filed as hearing date approaches

By DON JENKINS
Capital Press

Two farmers claim their constitutional rights are being violated and say they are undecided about whether to attend a hearing that could lead to their dismissal as Thurston County Conservation District supervisors.

Eric Johnson and Richard Mankamy are invited to appear before the Washington State Conservation Commission on Dec. 7 in Lacey to answer to allegations they've damaged the district's finances and reputation. Johnson and Mankamy deny any wrongdoing and are suing the state commission, alleging the hearing will be too informal to get



Eric Johnson



Richard Mankamy

The state commission set the meeting after a staff investigation concluded Johnson and Mankamy have sowed dissension, mistreated district employees and violated district policies. The state commission has the power to remove conservation district supervisors for neglect of duty or malfeasance.

at the truth.

In separate interviews Monday, Johnson and Mankamy said they want their accusers to testify under oath and be cross-examined. "That's what America is suppose to be about," Mankamy said.

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In one complaint, Johnson, the board's chairman, is accused of missing an important meeting that led to the district losing out on collecting property assessments this year. Johnson blames the district's staff for missed deadlines. The district, with Johnson and Mankamy's support, has applied to the county commissioners to restore the fees this year and collect about \$577,000 next year.

Johnson and Mankamy attribute complaints against them to their questioning of staff members about district finances.

The state commission originally planned to meet with Johnson and Mankamy in October, but the meeting was pushed back at their request, the commission's policy director, Ron Shultz, said. Johnson and Mankamy will have a chance to speak and answer questions from the commission, but there

will be no other witnesses or public comment, Shultz said.

Shultz declined to comment on Johnson's and Mankamy's lawsuit. The suit was originally filed in Thurston County Superior Court, but may be moved to federal district court because it alleges their civil rights are being violated.

The lawsuit argues that the two are entitled to a hearing under the state's Administrative Procedure Act, which allows for witnesses and cross-examination. "We want to be able to face our accusers," Johnson said.

The conservation commission opted for a quicker and presumably less expensive resolution. Still, the conservation commission has put in a \$300,000 budget request to cover the cost of investigating Johnson and Mankamy and holding a hearing on their removal.

The case will involve three

lawyers from the attorney general's office, a court reporter and a hearing examiner to conduct the meeting, according to records submitted to the governor's budget office.

The hearing on removing Johnson and Mankamy is set for 8:30 a.m. Friday, Dec. 7, at the Department of Ecology headquarters auditorium, 300 Desmond Drive SW, Lacey. The hearing will be open to the public.

In a related matter, the state commission is withholding \$90,000 from the Thurston County Conservation District. The state commission says the district has failed to comply with the state's public records and public meetings acts, failed to approve meeting minutes to keep the public informed and not shown "diligence in complying" with laws related to matters such as contracts, training, policies and labor laws,

The commission invited the district to a Sept. 20 meeting in Richland to explain how it would meet the accountability standards. Johnson said he had less than two weeks notice about the meeting and there wasn't time for the board to meet and agree on a response. He said Monday that he also was busy that day taking his son to college.

Shultz said Thurston County was the only one of the state's 45 conservation districts to lose out on the annual allocation from the state commission. The money could be restored if the district corrects the shortcomings, he said.

Johnson and Mankamy said the Thurston County district is already in compliance.

Their lawsuit names Shultz, conservation commission Executive Director Mark Clark and eight commissioners.

Oregon 'cottage food' law showing benefits

By GEORGE PLAVERN
Capital Press

A new study based on dozens of interviews at farmers' markets across Oregon finds the state's Farm Direct Marketing Law, which took effect in 2012, is working as advocates hoped, providing new revenue streams for small farms while reducing food waste.

The law sought to clarify licensing and food safety requirements for direct-to-consumer sales at venues such as farmers' markets and farm stands. In Oregon, about 12 percent of farms engage in direct-to-consumer marketing — more than double the national rate — with \$53 million in sales from an estimated 4,252 farms in 2015, according to the USDA.

Part of the law establishes provisions for "cottage foods," or homemade value-added products such as jellies, canned fruit, pickled vegetables and relishes, using farm-grown produce. Under the rules, farmers can sell these goods direct-to-consumer without a food processor's license so long as they meet certain labeling requirements and sales don't exceed \$20,000 per year.

Every state except Hawaii and New Jersey has some sort of cottage food laws on the books. Opponents argue that reduced regulatory scrutiny may lead to unsanitary practices that increase foodborne illnesses, though researchers with Oregon State University found no foodborne illness linked to the Farm Direct Marketing Law after its first five years.

Rather, the study, published Sept. 12 in the Journal of Agriculture, Food Systems and Community Development, concluded the law has seemingly accomplished exactly what it was designed to do, and "we expect more farmers will take advantage of this opportunity."

The study was funded in part by a grant from the USDA National Institute for Food and Agriculture, and led by Lauren Gwin, associate director of the Center for Small Farms & Community Food Systems at OSU.

Researchers visited 20 farmers' markets during the 2016 season, interviewing 18 farmers and 24 market managers about the Farm Direct Marketing Law. The top two benefits they mentioned were creating new, supplemental income streams and using excess produce to make valuable products such as salsa and preserves, turning potential waste into profit.

One Southern Oregon farmer interviewed for the study said the law was "a huge boon to our farm," providing an additional \$10,000 per year in sales — not enough to afford the flat infrastructure cost it would take to have a facility, "but you know a small amount like \$10,000 really helps out our farm for the year."

Other benefits discussed in the study include the ability for farmers to provide more healthful food choices in isolated, rural communities, and increasing food security in those areas. As one market manager said, "Every product that can be created in a community and sold at the market or a farmstand or CSA is one more thing that can actually be bought there, in rural communities that lack grocery stores."

When asked how to improve the Farm Direct Marketing Law, farmers mentioned a few barriers, mostly around improving public awareness and education about the rules. Others suggested expanding the cottage food exemption to include more products, or increasing the sales cap, and while researchers acknowledged more than half of states with cottage food laws have no limit on sales, "the political feasibility of this in Oregon is uncertain, due to ongoing concern about foodborne illness."

UI celebrates new Sandpoint Organic Agriculture Center

Orchard features many heirloom apple varieties

By MATTHEW WEAVER
Capital Press

SANDPOINT, Idaho — A new University of Idaho center devoted to organic agriculture is a "gem" within the UI's statewide network, the agricultural dean says.

The university held an open house Oct. 23 at the Sandpoint Organic Agriculture Center. The center is the first in the UI system to focus on organic farming.

Michael Parrella, dean of UI's College of Agricultural and Life Sciences, said the center will address organic agriculture, bring back "the wonder and variety" of heirloom apples and educate students and offer outreach to the community.

"Overnight, the Sandpoint organic agricultural center became a gem in our college's statewide network when we took possession of this property on Aug. 1," Parrella said.

The center has 640 apple, pear, cherry and plum trees and 1,000



Matthew Weaver/Capital Press

The University of Idaho's new Sandpoint Organic Agriculture Center is a first for UI.



Matthew Weaver/Capital Press

Michael Parrella, dean of the University of Idaho's College of Agricultural and Life Sciences, holds up a jug of apple cider in the cooler of the new organic agriculture center Oct. 23 in Sandpoint, Idaho.

feet of raspberry canes, said orchard operations manager Kyle Nagy. The property is 66 acres.

A dormitory will house 36 students.

Dennis Pence, who donated the Sandpoint Orchard land and buildings, said the center provides the university with

a bigger presence in the Sandpoint area.

The orchard grows 68 varieties of apples, most of them heirloom varieties.

"I read that there was once in colonial times 2,000 varieties of apples grown in what is now the U.S.," Pence said. "And

a little over 100 years ago, there were 300 varieties of apples grown in the U.S. What happened?"

Pence began planting heirloom varieties to see what would happen.

"I'm starting to look around and all this organic agriculture, there's a lot of things you could learn from this," he said, recalling the germination of the idea for the new center.

Pence said Parrella welcomed his ideas for the space, and he credited it to Parrella's Ph.D., in entomology. Pence and Parrella both cited recent concerns over a study that indicated a 75 percent decline in insects in parts of Germany.

"That is something Michael understood because he is a bug guy. If you're an entomologist, you know what's going on," Pence said. "Something is going on that's really not healthy."

The center will research more sustainable approaches to farming, Pence said.

"You have a facility that will be full of energy, intelligence and caring about the kinds of foods we all need for our health, welfare and (to) sustain our society," Pence said.

Idaho courses set for Produce Safety Rule compliance

By BRAD CARLSON
Capital Press

The Idaho State Department of Agriculture and University of Idaho Extension are slated to host three Produce Safety Alliance courses to prepare fresh-produce growers to meet requirements under the U.S. Food and Drug Administration's Food Safety Modernization Act Produce Safety Rule. Idaho on-farm inspections will start in 2019.

Designated representatives of covered farms — those meeting an annual revenue minimum — must complete FDA-approved training. The state Department of Agriculture and UI said the Produce Safety Alliance Grower Training Curriculum currently is the only FDA-approved program.

Sessions are scheduled from 8 a.m. to 5 p.m. Nov. 14 at University of Idaho Extension, Twin Falls County Office, 630 Addison Ave. W., Suite 1600, Twin Falls; from 8 a.m. to 5 p.m. Nov. 19 at UI Extension, 1904 E. Chicago St., Caldwell; and from 10 a.m. to 6 p.m. Dec. 7 at Payette Public Library, 24 S. 10th St., Payette. Cost is \$25. Funding sources include an FDA grant.

The Produce Safety Rule establishes science-based minimum standards for growing, harvesting, packing and holding produce generally consumed raw. The rule covers farms with more than \$25,000 in annual produce sales. The Idaho Legislature this year authorized ISDA to enforce the federal rule and conduct on-farm inspections.

Pamm Juker, FSMA administrator for ISDA, said the inspections will be announced and scheduled. For the largest farms, they will start in 2019, she said.

Meanwhile, ISDA this fall has been conducting voluntary, non-regulatory, on-farm readiness reviews. She said these reviews aim to prepare farmers for regulatory inspection and help them "align what they are doing with the requirements of the rule, implement produce safety practices and provide an opportunity to meet the Idaho regulatory team."

Readiness reviews can be scheduled through ISDA at 208-332-8500.

So far, Juker said, some produce growers have expressed confusion between the required regulatory inspection and third-party audits.

"They are not the same," she said. "There is a difference, and sometimes farmers think: 'I am having an audit, so I don't need a produce safety inspection.' That is not the case." The produce safety inspection is a regulatory requirement, in contrast to the third-party audit that is generally required by a buyer such as a grocery retailer, she said.

National forest logging on upward track, official says

Federal forest policies discussed during recent timber industry tour

By MATEUSZ PERKOWSKI
Capital Press

The volume of timber cut from Northwest national forests is increasing due to collaborative planning and growing state involvement in logging projects, according to an Oregon forest supervisor.

For example, the Willamette National Forest — Oregon's foremost timber producer and a regular top contender nationally — aims to generate 100 million board-feet in 2020, up from about 75 million to 80 million board-feet in 2018, said Tracy Beck, the forest's supervisor.

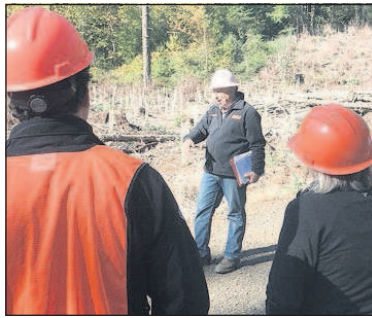
Last year, 66 million board-feet were harvested from the forest, according to federal statistics.

Contrary to the common belief that federal logging projects are being tied up in litigation, lawsuits have only been a filed against a handful of the hundreds of projects in the area, Beck said at a recent timber industry tour in Corvallis, Ore.

"We're winning most of those cases," he said. "I really feel like collaboration has helped keep us out of court."

Collaboratives are groups, such as nonprofits, that help steer the federal government's thinking on logging and thinning projects and build agreement among the timber industry, environmental groups and others.

Another recent tool that's expect-



Mateusz Perkowski/Capital Press

Stephen Fitzgerald, director of OSU's College of Forestry research forests, discusses forest treatments during an Oct. 19 tour in Corvallis.

ed to increase timber volume from national forests is the "good neighbor" authority granted by Congress in 2014 that allows state governments to carry out projects on federal land.

While such logging projects are still subject to federal environmental laws, states have more flexibility with contracting rules and are able to carry out projects more effectively, said Mike Cloughesy, forestry director of the Oregon Forest Resources Institute, which organized the tour.

Federal contracting regulations are more complicated and have set wages for certain jobs — such as road crews — whereas state regulations allow for more cost-efficiency, he said.

Earlier this year, Oregon lawmakers approved \$500,000 for the Oregon Department of Forestry to assist with the planning and implementation of projects under the "good neighbor" authority.

As ODF increases its capacity to manage such projects, the Willa-

mette National Forest hopes to eventually reach about 120 million board-feet in timber volume, said Beck, the forest's supervisor. The forest is estimated to produce about 1 billion board-feet a year in new timber.

At roughly 650 million board-feet of timber harvested in 2018, the Forest Service region that includes Oregon and Washington this year achieved its highest volume in two decades, he said.

"The future looks bright," Beck said.

The OFRI tour, held on Oct. 19, included a visit to new mass timber buildings under construction on Oregon State University's campus using cross laminated timber and mass plywood, which are pre-fabricated panels that allow for the efficient assembly of multi-story wooden structures.

The group of about 50 lawmakers, government officials and industry representatives also walked through long-term research plots at OSU's McDonald-Dunn Forest that analyzed different harvest and reforestation methods.

The university harvests about 7 million to 9 million board-feet a year from 15,000 acres that include the McDonald-Dunn and surrounding forests, said Stephen Fitzgerald, director of research forests for OSU's College of Forestry.

Managing the forestland presents unique challenges due to the high volume of tourists and the proximity to residential homes, which can lead to controversies and compromises over forest management, he said.

"You get the full range of emotions, from 'Well, it's your property' to 'I'm going to sue you,'" said Fitzgerald.