Washington agency hopes to buy produce for poor

By DON JENKINS
Capital Press

Washington would spend about $2 million a year to help poor people buy fruits and vegetables at farmers' markets, roadside stands and stores under a proposal by the state Department of Health.

Some $1.4 million would go directly to purchase produce. The health department would keep $300,000 for administration and distribute $269,000 to farmers' markets, retailers, nonprofit organizations and other government agencies for their parts in managing the program, according to the budget proposal.

The program would help an estimated 48,400 people on food assistance to eat better and also support small- and medium-sized farms, according to the health department.

"Fruit and vegetable incentives support a robust agricultural economy in Washington," the health department states in its funding request.

The health department has asked for nearly $4.2 million over two years to be included in the two-year spending plan Gov. Jay Inslee will propose in December.

The health department already runs a federally funded program to help food-stamp recipients and single mothers buy fruits and vegetables. A $5.86 million USDA grant the state received in 2015 will run out next year, according to the health department.

Health officials say they will apply for another USDA grant if Congress renews funding in the next farm bill. With or without federal money, health officials are seeking state money to slightly expand the current program.

Nearly 1.3 million Washington residents received food stamps in 2017, according to the department. Some 274,888 women and children were on WIC, a separate nutrition program for women, infants and children.

Under the health department's proposal, 12,000 people on food stamps would redeem $300,000 at farmers' markets, while 35,000 people would redeem $625,000 at participating grocery stores.

The department also anticipates doctors would write prescriptions to 1,400 hungry and poor patients to receive $175,000 worth of fruits and vegetables.

Women and children on WIC would be eligible to receive $30 a year for fruits and vegetables, totaling another $300,000, according to the department.

To run the program, the health department would have three employees — a project coordinator, communications coordinator and evaluator.

Some 90 farmers' markets in 20 of the state's 39 counties are participating in the current program, according to the department. Not all farmers' markets accept the payment cards issued to food-stamp recipients, according to a department spokeswoman.

The health department is evaluating how the program affects farmers, according to the spokeswoman. Some 84 percent of the managers of participating farmers' markets report that the program has drawn more customers, she said.

In arguing for money from the state's general fund, the health department says the program would further official state goals to make people healthier.

Ranch groups focus on ESA reform

By CAROL RYAN DUMAS
Capital Press

Carol Ryan Dumas/Capital Press
Ethan Lane, left, executive director of the Public Lands Council, and Tim Williams, deputy director of the Interior Department, visit after their Nov. 12 presentation on grazing issues during the Idaho Cattle Association annual meeting in Sun Valley.

SUN VALLEY, Idaho — Most of the issues the Public Lands Council and National Cattlemen's Beef Association are dealing with during the lame duck session of Congress involve the Endangered Species Act, the council's Ethan Lane told members of the Idaho Cattle Association.

Modernizing ESA is a top priority, said Lane, the executive director of PLC and NCBA federal lands. The groups have worked with a bipartisan initiative by the Western Governors' Association for three years to develop recommendations for doing that. Sen. John Barrasso, R-Wyo., turned those recommendations into bipartisan legislation, he said.

The bill would change the way ESA is implemented so it's more effective on the ground, he said. PLC and NCBA are expecting the bill to be introduced this week, but passage during the lame duck session will be another matter.

"We will be advocating for the bill to be included in any potential year-end lands package. If we miss the lame duck window, there will be no opportunity for this legislation in the next Congress," he said.

That's because leadership in the House Natural Resources Committee will shift when Democrats take control of the House. The incoming committee chairman, Rep. Raul Grijalva, D-Ariz., is an anti-grazing activist, Lane said. Two other committee members — Reuben Gallego, D-Ariz., and Don Beyer, D-Va. — will likely remain on the committee and are opposed to ranchers, he said.

But the Trump administration is also working on changes to ESA. The Obama administration strengthened rulemaking on critical habitat designation, allowing the U.S. Fish and Wildlife Service to make those designations even where protected species don't exist, he said.

"The Trump administration is trying to fix that problem," he said.

It's also looking to eliminate rules that allow FWS to extend all protections for endangered species to threatened species without any distinction, and is working on changing the consultation process for permits and approvals that could affect listed species or their habitat. Currently, FWS has to consult with every agency that has an interest.

"That can turn into a real nightmare … agencies can hold the process hostage," he said.

The administration wants to streamline the process so there's a lead agency, he said.

The White House Council on Environmental Quality, which oversees implementation of the National Environmental Policy Act, is looking at changing NEPA requirements.

NEPA shouldn't be required for normal grazing permit renewals where there's nothing new to evaluate, he said.

The Interior Department is also pulling back on 2015 amendments to land management plans, which require an overly restrictive grass height for nesting sage grouse. Science shows it's not an appropriate metric, he said.

Judge denies injunction in hop dispute

Yakima Chief Hops won't be forced to supply Australian company

By MATEUSZ PERKOWSKI
Capital Press

Mateusz Perkowski/Capital Press File
Hops growing in the Willamette Valley.

A federal judge has refused to force a major Northwest hop company to honor its distribution agreement with an Australian brewery supplier it accuses of contract violations.

U.S. District Judge Rosanna Malouf Peterson has found the Australian company, Bintani, hasn't met the standards to justify a temporary restraining order requiring Yakima Chief Hops of Yakima, Wash., to continue supplying it with hops.

Bintani has filed a lawsuit claiming Yakima Chief Hops is retaliating against the Australian company for selling a majority ownership stake to a top competitor, the Brewers Supply Group and its parent company, the Rahr Corp.

Yakima Chief Hops has alleged the acquisition effectively breached the confidentiality provisions of their supply contract as well as Bintani's commitment not to assign distribution rights to another company without permission.

Bintani argues that it has retained those distribution rights despite selling an ownership stake to the Brewers Supply Group and Rahr, which signed a confidentiality deed to protect sensitive information.

However, the judge has ruled that Bintani failed to make a "strong showing of likelihood of success on the merits" that Yakima Chief Hops lacked justification to terminate the supply agreement.

"Even without delving into the issue of whether Bintani assigned its rights when a Rahr subsidiary became a majority owner of Bintani, it is undisputed that Bintani divulged to Rahr and its subsidiary or subsidiaries non-public information that was subject to protection under the distributor agreement with YCH," the judge said.

Bintani hasn't proven that it would suffer "irreparable harm" if Yakima Chief Hops stopped supplying it with hops, despite claiming the supply agreement's termination has already caused a projected loss of $3.7 million, or roughly 50 percent of its 2018 sales, the judge said.

The Australian company hasn't clearly shown it's "unable to secure an alternate supplier by the time Bintani's hop product reserves are depleted," Malouf Peterson said.

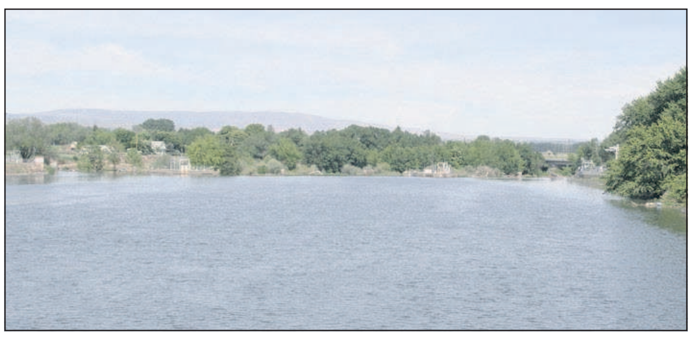
Bintani hasn't proven the hops from Yakima Chief Hops are so unique as to be unavailable from any other source, so it can instead seek financial damages later in the case instead of an injunction, she said.

Any reputational damage to Bintani from the contract dispute may have occurred already regardless of a temporary restraining order, and it could have potentially been avoided if Bintani submitted its claims to arbitration instead of filing a lawsuit in federal court, where the allegations would become public, the judge said.

Likewise, Bintani hasn't demonstrated that Yakima Chief Hops wouldn't suffer any hardship if an injunction were imposed, or that the public interest favors its position, she said.

Irrigation transfer bill passes U.S. House committee

By DAN WHEAT
Capital Press



Dan Wheat/Capital Press File
The Yakima River flows through Prosser, Wash., to the top of Prosser Dam. The 6-megawatt dam is part of the transfer of property from the U.S. Bureau of Reclamation to the Kennewick Irrigation District.

KENNEWICK, Wash. — A bill to transfer title of U.S. Bureau of Reclamation irrigation assets to the Kennewick Irrigation District has passed the U.S. House Natural Resources Committee.

H.R. 6652, introduced by Rep. Dan Newhouse, R-Wash., passed out of the committee Nov. 15.

"The goal is to get it across the finish line this Congress," a Newhouse aide said. Democrats take control of the House in the new Congress in January.

The bill is in keeping with a December 2017 agreement between the district and bureau. It transfers title of a portion of lands and irrigation canals from Chandler Pump Station, 11.2 miles east of Prosser, and running 40 miles east.

The district has already paid the bureau nearly $4.6 million on a lease-loan over 65 years for the system, pays for its maintenance and is liable for it, district officials have said.

District ownership will make it easier for the city of Kennewick to gain approval to use right-of-ways on top of enclosed canals for recreational trails. The district also could be faster in processing easements when properties are sold and releasing easements that have never been used, Charles Freeman, district manager, has said.