

City stormwater problems encircle Oregon farmer

Farmer troubled by City of Portland's enforcement approach

By **MATEUSZ PERKOWSKI**
Capital Press

Long after the landscape surrounding Al Garre's North Portland property was transformed, the farmer has continued to struggle with shifts in the regulatory terrain.

By the mid-1980s, the property Garre's grandfather had cleared from wilderness six decades earlier had been entirely enclosed by the Portland metropolitan area.

With the farm hemmed in by paved streets, city regulators began paying more attention to the water flowing into storm drains and out into the Columbia River.

"The goal posts started changing after that," Garre said.

Garre said he repeatedly took steps to avoid soil runoff, culminating in a 2012 erosion prevention plan that devoted about 20 percent of the 10-acre property to grass strips and other features

meant to filter out sediment before water flowed offsite.

Under the plan, Garre also stopped growing kale, collards and other hardy crops during the fall and winter, replacing them with cover crops that prevented erosion but did not generate a profit.

Losing productive farmland and five months of growing season was an "economic killer," but Garre hoped the measures would at least assure compliance with the City of Portland's stormwater regulations.

"I thought we were OK, that was it," he said.

For that reason, Garre was perturbed to receive a civil penalty of \$1,000 from Portland's Bureau of Environmental Services last year because "visibly discolored water" had entered storm sewer catch basins in violation of city code.

Though he challenged the fine, ultimately convincing city regulators to reduce



Mateusz Perkowski/Capital Press
Farmer Al Garre implemented a plan to reduce runoff from his farm but the City of Portland still fined him.

it to \$300, Garre said he's still troubled by the "ugly" enforcement process.

"You feel like you're being run through the grinder because they're judge and jury," he said.

The erosion controls have basically rendered the farm economically unviable — the property is now leased to another grower with multiple operations — while Garre remains vulnerable to future "drive by" enforcement actions, said Caroline Lobdell, his attorney in the case and executive director of the Western Resources

Legal Center.

Portland's "unforgiving" enforcement approach may be intended to convince the remaining farmers within city limits to make way for development, she said.

"It's forcing them out by regulation."

The amount of sediment discharged by Garre could probably be surpassed by someone washing their car, but the City of Portland nonetheless used the same "big stick" as it would with a large corporation, said Gabrielle Rossi, whose adjacent farm is subject to simi-

lar restrictions.

Even compared to larger companies, farmers within Portland make proportionately similar or greater sacrifices to prevent runoff and the city should recognize their overall contributions to the community, said Rossi, who is a board member of the East Multnomah Soil and Water Conservation District.

"This system has built up around us," Rossi said. "The more you hit these small farms, the faster they go away."

The Oregon Farm Bureau is concerned about the regulatory treatment of farmers in Portland and elsewhere in Oregon's Willamette Valley as cities continue to subsume farmland, said Mary Anne Cooper, the organization's public policy counsel.

"It seems they're being held to a standard that's unreasonable or at least is being implemented in an unreasonable way," Cooper said.

The city's enforcement of runoff from farms also raises "outstanding legal questions" about its authority to regulate agricultural water quality, which is under the jurisdiction of the Oregon Department of Agriculture, she said.

"We think that role should still be held by ODA," Cooper said.

Portland's Bureau of Environmental Service not only has the authority to regulate discharge from farmland that flows into the city's stormwater system but also the obligation to do so under the federal Clean Water Act, said Matt Criblez, environmental compliance manager with the agency.

"We have a permit we have to comply with," Criblez said. "It's clearly written in code you're not allowed to do that. It doesn't matter if you're a farm, a home or a Walmart. Nobody is allowed to do that."

Criblez acknowledged that his agency didn't approach Garre about correcting the problem before issuing a citation, but he said BES doesn't provide such outreach to other regulated entities.

"We don't do that for any other business. We don't just keep saying please, please, please," he said.

Wash. bill would give wolves island home

By **DON JENKINS**
Capital Press

OLYMPIA — An Eastern Washington legislator has introduced a bill to release wolves on a Puget Sound island, mocking a proposal to prohibit the state Department of Fish and Wildlife from killing wolves to protect livestock in his district.



Washington state Rep. Joel Kretz, R-Wauconda.

House Bill 1639, sponsored by Rep. Joel Kretz, would move wolves to Bainbridge Island, represented by Rep. Sherry Appleton, a Democrat. Kretz, a Republican, said Monday that Appleton's bill to bar Fish and Wildlife from ever using lethal control was insulting to his constituents who live near wolves.

"What you're hearing is ignorance from Puget Sound. If it's not responded to, it's taken as gospel over time, and people need to look at the other side," he said. "Maybe we can have a real discussion about wolves now."

Through a spokesman, Appleton declined to comment. The lethal-control policy that she proposes to end was developed by a Wolf Advisory Group that included the Humane Society of the United States and Defenders of Wildlife.

Neither Kretz's nor Appleton's bill will likely get a hearing, but they underscore that from a policy perspective wolves are viewed differently from afar than from upclose. Kretz's district has 19 of the state's 24 wolfpacks. In 2013, he sponsored a bill to share wolves with Whidbey Island, north of Seattle. The

latest bill has the same giving spirit.

"The Legislature finds that enthusiasm continues to build throughout the state by the opportunities created as Washington's wolf population continues to grow," the bill declares. "Unfortunately, only a limited number of Washington residents are able to appreciate these majestic creatures in the wild. While the number of packs continues to multiply, they remain largely isolated in concentrated pockets of Eastern Washington."

The bill singles out Bainbridge Island as the only place Fish and Wildlife could move wolves.

The 27-square-mile island is 35 minutes from Seattle by ferry and home to about 25,000 people. A New York Times travel article stated that "commuters, weekenders and retirees" escape the island to "escape the buzz of Seattle." Vogue magazine described the island as "gorgeous" and "a regular backdrop for style bloggers and Instagrammers."

Kretz's bill asserts the island would be ideal for a wolf sanctuary, attract-

ing tourists and keeping the population of other species in check.

"The geographic isolation of Bainbridge Island creates a natural border to keep the wolves isolated to an area where they can be protected, studied and, most importantly, admired by the region's animal lovers," the bill states.

The bill would adapt Fish and Wildlife's lethal-removal policy to the island and its "native food sources."

The department would be authorized to consider lethal removal after wolves killed four dogs or four cats or two children.

Kretz said he wanted to highlight that wolves roam close to people in his district. "They are right among the houses now," he said.

Kretz represents Ferry, Pend Oreille, Okanogan and Stevens counties. For many years, he and other district lawmakers have told colleagues in Olympia that wolves are growing problem. The Legislature has not deviated from a plan to protect wolves until they move farther west on their own.

WSU board gives green light to Cosmic Crisp marketing money

By **DAN WHEAT**
Capital Press

SEATAC, Wash. — The Washington State University Board of Regents approved up to \$10.1 million for marketing the Cosmic Crisp apple at a Jan. 25 meeting in SeaTac.

The money will come from apple tree and fruit royalties. It will be spent over five years for the launch of the new apple variety, anticipated to start this fall.

"We are very pleased," said Lynnell Brandt, president of Proprietary Variety Management, or PVM, a Yakima firm hired to help WSU manage commercialization of the WSU-bred apple. "The university and PVM were hopeful and anticipating we would be able to move along properly with the launch."

PVM is to reimburse WSU for about \$3 million PVM receives from royalties.

Noting \$10 million can be spent on one Super Bowl television ad, Kathryn Grandy, PVM director of marketing, said WSU and PVM want to maximize the effectiveness of their promotions.

No television advertising is scheduled, but "we have a number of significant contacts through national media that are not announced yet," Grandy said.

Promotions will be limited this year because of the limited volume of the first commercial crop this fall, she said. Promotions will increase with larger volumes in subsequent years.

PVM anticipates about 175,000, 40-pound boxes of Cosmic Crisp will be available this fall and 2.2 million boxes in 2020, 6.2 million in 2021 and 22 million by 2026.

Key promotional elements include reaching consumers, building brand recognition and product sampling, she said. Specifics will change as

consumer data is collected, she said.

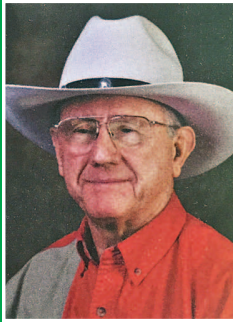
A marketing launch synopsis outlined in a contract signed last October between WSU and PVM mentions use of social media, packaging, merchandising and a road show to provide information to the state's tree fruit sales desks.

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