

National monument expansion challenged as illegal

Trump administration defends Cascade-Siskiyou's enlargement

By **MATEUSZ PERKOWSKI**
Capital Press

MEDFORD, Ore. — Just as federal prisons and military bases can't be designated as national monuments, Oregon's Cascade-Siskiyou National Monument can't spread onto land dedicated to logging, opponents claim.

An Oregon timber company is arguing the Obama administration's 2017 expansion of the monument must be struck down in federal court because much of the new acreage consists of former Oregon & California Railroad lands reconveyed to the government and specifically devoted to timber harvest by Congress.

"The president has no authority to repurpose 40,000 acres of O&C Lands within the national monument," said Mike Haglund, attorney for the Murphy Co., during a March 5 court hearing in Medford, Ore.

The Murphy Co.'s lawsuit is the first of three complaints challenging the expansion's legality to have

oral arguments heard before a federal judge. The other two cases are pending in federal court in Washington, D.C.

The original 53,000-acre Cascade-Siskiyou National Monument was established in 2000 by President Bill Clinton and 13,000 acres were later added to it through purchases of private property.

Shortly before leaving office in 2017, President Barack Obama enlarged the monument's boundaries by 48,000 acres.

Roughly four-fifths of those acres consisted of O&C Lands, which total more than 2.1 million acres of federal property in Western Oregon that Congress in 1937 committed to "permanent forest production."

"The O&C Act is a dominant-use statute and that dominant use is timber production," said Haglund.

Timber companies are upset about the prohibition against most commercial logging within the Cascade-Siskiyou National monument, while ranchers



Bob Wick/BLM

A large basaltic spire known as Pilot Rock is in the distance in this photo taken in Cascade-Siskiyou National Monument near Ashland, Ore. Oral arguments over the monument's expansion were held March 5 in Medford, Ore.

and ranchers fear the expanded designation may lead to restrictions on livestock grazing.

"What the president has done here is vacate the purpose of those lands that Congress designated them for," Haglund said.

Since 2017, the size of three timber sales has been reduced due to the expansion, he said. The Murphy Co. also fears that roads leading to its private inholdings within the monument will be decommissioned.

"Your access to your own land is impaired," he said.

While the President Donald Trump has reduced the size of other controversial national monuments designated or enlarged under his predecessor, he hasn't acted on the Cascade-Siskiyou National Monument and his administration is defending its expansion in federal court.

Contrary to the Murphy Co.'s claims, there is no "irreconcilable conflict" between the monument designation and the O&C Lands Act, which permits multiple uses of such lands, said

Coby Howell, an attorney for the federal government.

"Not every tree on every acre of O&C Lands needs to be cut," Howell said. "If not every tree needs to be cut, why can't the president set aside those 48,000 acres?"

The presidential proclamation expanding the national monument doesn't "repurpose" those acres, which are still O&C Lands — rather, the property has a dual status, he said.

"You have the overlay of a national monument,"

Howell said.

The Cascade-Siskiyou's original original boundaries in 2000 included O&C Lands but nonetheless Congress enacted new protections in 2009, such as expiring grazing leases and creating a new wilderness area within the monument, he said.

These actions don't indicate Congress was "outraged" by the inclusion of O&C Lands as suggested by the Murphy Co., Howell said. "If that was true, Congress could have acted."

Spokane mayor looks to bolster, recruit ag businesses

By **MATTHEW WEAVER**
Capital Press

SPOKANE — Spokane is a good place to locate agricultural businesses and support services, the city's mayor says.

The city is folding agriculture into its Choose Spokane initiative to bolster existing agricultural and forestry businesses and attract new ones, Mayor David Condon told the Capital Press.

"Ag has been a huge piece of who we are," Condon said. "Companies could come here and tap into something that's been foundational for us for a couple hundred years."

Business sectors and industries typically have four levels, Condon said. The primary level is growing or mining a product. The second level is the manufacturing or processing of that product. The third level is support services. The fourth level is knowledge, innovation and technology.

When it comes to agriculture, Condon says, many people think of the primary level, based in rural Eastern Washington. He sees great potential for Spokane to host the other three levels.

"Where is the process-



Matthew Weaver/Capital Press

Mayor David Condon talks about the opportunities Spokane offers for agricultural companies and support industries Feb. 28 in his City Hall office.

ing happening? Where are the wineries, breweries, cideries, distilleries in that area? They're in the urban centers," Condon said. "Maybe not in Spokane, but in smaller communities where you see the food processors. ... Those are clearly in urban environments."

Condon also points to property management companies, legal services, financing, research and technology.

Spokane has a unique potential to be a hub for commodities, Condon said.

Spokane could appeal to companies dealing with intellectual property development, ven-

ture capital or various services. It can also help when agricultural production, energy use and health intersect, Condon said.

"The urban center is key to the agricultural industry, and vice versa," he said. "We can't live without the Ritzvilles, Spangles and Colfaxes of the world."

The city is analyzing its strengths and weaknesses to gain a better idea of the industry's needs and what's already being done in the support and research sectors, Condon said.

"Where are the business cluster networking opportunities for what's happening specifically in the ag world?" he said.

Washington legislators remake hemp program

By **DON JENKINS**
Capital Press

OLYMPIA — Washington lawmakers and the state Department of Agriculture are taking down barriers to growing hemp in time for spring planting, though how much farmers will pay in the future for the privilege has not yet been decided.

The House Appropriations Committee unanimously endorsed a bill Feb. 26 that lifts a ban on moving harvested hemp across state lines. The bill also would allow hemp to be grown for CBD, an oil extract marketed for a wide range of ailments.

Meanwhile, the agriculture department plans to abolish two rules by April 23. One rule prohibits hemp from being grown within 4 miles of marijuana. The other rule requires farmers to get permission from the federal Drug Enforcement Administration to import hemp seeds. The House bill agrees with those steps.

"It makes sense to assist farmers to get seeds in the ground this season," agriculture department spokesman Hector Castro said.

The legislation and department rule changes would bring Washington's hemp regulations in line with

the 2018 Farm Bill. Currently, the state's hemp program sticks to the more-restrictive 2014 Farm Bill.

Other states didn't wait for Congress to liberalize the rules and have a head start in developing hemp as a commercial crop. Washington's entire 2018 hemp harvest was 141 acres grown by the Confederated Colville tribes in northeast Washington.

"We're definitely moving things through. I'm excited about it. It's not a done deal yet," Industrial Hemp Association of Washington lobbyist Bonny Jo Peterson said Wednesday.

While policies are on a path to be changed, it's uncertain how much farmers will pay for a hemp license under the new program. It

could be more than under the current program, even though there are fewer rules to enforce.

Even under the new Farm Bill, states must still license hemp growers, screen out drug felons, test plants for THC, inspect fields and report regularly to the USDA.

In an analysis of House Bill 1401, the agriculture department estimated running a hemp program under the new federal regulations will cost \$206,300 a year.

Before approving HB 1401, the Appropriations Committee removed a provision allocating \$300,000 over two years in general taxes to support hemp oversight. It was a procedural matter.

Washington snowpack holding

By **DAN WHEAT**
Capital Press

MOUNT VERNON, Wash. — While up to 2 feet or more of snow blanketed most of Washington in February, no records were set and statewide snowpack declined slightly from 91% on Feb. 25 to 87 percent on March 4.

"We definitely will have more snow. The question is how much," said Scott Pattee, state water supply specialist for the Natural Resources Conservation Service in Mount Vernon.

Pattee said he hopes snowpack builds but that it might not because the weather outlook calls for cold and dry in the short term, a cooler than normal March and then above normal temperatures with equal chances of precipitation for April and May.

The state is at 74 percent of its median peak in snow-water content, so it is "behind the eight-ball," he said, noting March 30 is the median peak date of snow-water content.

"If we can hold onto what (snowpack) we have, we

should be OK in most areas. We want normal temperatures and normal runoff. The rate of runoff is critical," he said.

A sudden warming could quickly reduce snowpack, especially without more snowfall. Low-elevation snowpack melts first. The longer it holds the better, but higher snowpack feeding storage reservoirs is crucial.

A Feb. 27 snowfall didn't deliver a lot and recent

storms have not produced much more snow at higher elevations, Pattee said. Recent storms have done more for the Oregon Cascades and California Sierras than they have for the Washington Cascades, he said. The slight increase in the lower Snake and lower Columbia reflect better snows in southern reaches of Washington, extending into Oregon and California, Pattee said.

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