

# Biden administration to roll back ESA reforms

By CAROL RYAN DUMAS  
Capital Press



Kaitlynn Glover

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service are proposing several changes to Endangered Species Act regulations that would roll back reforms made under the Trump administration.

The proposals are the result of an executive order directing all federal agencies to review and address agency actions during the last four years that conflict with Biden-Harris adminis-

tration objectives, such as addressing climate change. The agencies will initiate rulemaking to:

- Rescind a regulatory definition of “habitat” that limits critical habitat designations to a location that “currently or periodically contains the resources and conditions necessary to support one or more life processes

of a species.”

- Rescind a regulation that allows the Fish and Wildlife Service to exclude federal lands from critical habitat designation based on economic considerations and other factors.
- Reinstate the “blanket 4(d) rule,” which extends full endangered species protections to most species only listed as “threatened.”
- Prohibit the agencies from considering the economic impacts and certain other consequences of their ESA listing decisions.

• Revise regulations governing interagency consultation under Section 7 of the ESA.

While not unexpected, the announcement demonstrates a significant step backward in implementation of ESA and the improved clarity achieved under the last administration, according to the Public Lands Council and National Cattlemen’s Beef Association.

“These regulatory revisions will not improve outcomes — they will just make the ESA more bur-

densome on the people actually working to restore habitat and protect biodiversity,” said Kaitlynn Glover, NCBA executive director of natural resources and Public Lands Council executive director.

“We are disappointed to see the Biden administration take such a major step backwards on measures that facilitated significant on-the-ground progress by livestock producers, state governments and advocates in recent years,” she said.

“Frankly, the motivation behind this rollback is out of

touch with how federal regulations impact rural communities and seems to have more to do with partisanship than the protection and recovery of wildlife,” she said.

The agencies are expected to move forward with these rulemakings in the coming months.

PLC and NCBA will continue to work to ensure that ESA recognizes the contributions of ranchers and voluntary conservation while being a clear and predictable regulatory mechanism.



Owyhee Irrigation District

Part of Owyhee Reservoir near Adrian, Ore.

## Owyhee Basin water supplies stay tight

By BRAD CARLSON  
Capital Press

Both the amount of water stored in the Owyhee Reservoir and the flow of the river below it are about one-third below long-term medians.

Southeastern Oregon farmer Bruce Corn, who serves on the Owyhee Irrigation District Board of Directors, said the Owyhee River basin must get normal snowpack and runoff next year.

“Because of conservation the last few years, people will get through this year on the Owyhee Project,” he said. “But the reservoir will be depleted or close to depleted. We will need average runoff to have an adequate supply for next year.”

Corn said conservation measures in recent years, including moves to drip and sprinkler irrigation, are helping producers navigate dry conditions and reduced water supply.

“In March and April we had virtually no rainfall, and that is contributing to streamflows of midsummer or late-summer levels happening right now,” he said. “So we are pretty dependent on what is in reservoir storage.”

The Owyhee River flows into the Snake River south of Nyssa, Ore. The USDA Natural Resources Conservation Service in a June 1 water-supply report said total precipitation in southern Snake basins for the water year ranges from 65-75% of normal.

NRCS pegged Owyhee Reservoir storage at 66% of normal. The U.S. Geological Survey June 7 reported streamflow below the dam at 32.9% lower than the long-term median.

NRCS said despite short periods of cool, wet weather,

May’s mostly warm, dry conditions led to full snowmelt earlier than normal in most South Snake basins.

And as the basins transition to the dry season, it looks highly unlikely total water-year precipitation will recover to normal conditions. NRCS said the National Oceanic and Atmospheric Administration’s most recent 30-day outlook predicts above-normal temperatures and lower-than-normal precipitation throughout the region.

Current conditions are “a big concern because we are going to be pulling hard on what storage we do have,” OI General Manager Jay Chamberlin said.

Prolonged dry weather kept river flows well below normal and prompted growers to irrigate early, he said.

But for the season so far, “crops are behind, so water demand is behind,” Chamberlin said. Factors include quick swings between hot and cold temperatures, high winds, and some late May rain.

“We’re thinking water demand will pick up in another 10 days,” he said June 7.

OI reduced the allotment by 25% for customers serviced by the reservoir. Ditches with supplemental pumping rights out of the Snake remain at full allotment.

Corn said the Owyhee Basin’s situation is significantly better than those of the Big Wood and Little Wood in Idaho, and the Klamath and Deschutes in Oregon.

NRCS said water-year precipitation in Wood and Lost basins is 60-70% of normal after some improvement in May. Reservoir storage remains well below normal.

## Cosmic Crisp apple gains market momentum, but still faces challenges

By SIERRA DAWN MCCLAIN  
Capital Press

WENATCHEE, Wash. — Cosmic Crisp apple growers hope the third time’s the charm.

Cosmic Crisp, Washington’s new state apple, achieved celebrity status its first year on the market, in 2019. Its sophomore year, 2020, was bumpy — and for many growers, disappointing. Now, as the industry looks toward the third year, optimism is on the rise, but challenges remain.

From the start, Cosmic Crisp was a big gamble: 22 years of breeding and development by Washington State University, \$500 million spent by growers planting 13 million trees.

So, when FOB, or freight-on-board, prices plunged from \$71.86 per 40-pound box in December to \$43.83 per box this February, the 39% drop led many growers to panic.

“I’ve been super disappointed with where pricing was this year,” said Andy Handley, a grower in East Wenatchee.

Industry leaders say the 2020-21 season was rough for several reasons.



Sierra Dawn McClain/Capital Press

Cosmic Crisp boxes at McDougall & Sons Inc.

Historically, the industry’s No. 1 promotional tool for new varieties has been in-store sampling.

“With COVID, sampling fell apart,” said Rebecca Lyons, Washington Apple Commission’s international marketing director.

Growers say the presidential election, racial tensions, supply chain disruptions, canceled trade shows and overwhelmed retailers trying to keep staples in stock also hurt sales last year.

But experts say Cosmic Crisp appears to be turning the corner this spring.

In March, the industry was shipping about

40,000 boxes weekly. Now, Tim Kovis, spokesman for Washington State Tree Fruit Association, estimates the industry ships 48,000 boxes weekly. That’s good progress, though still short of the ideal 80,000-boxes-per-week mark.

“Movement has been steady for the past several weeks,” said Jill Burbery, project manager for Proprietary Variety Management, a Yakima company on contract with WSU to manage commercialization.

Burbery said she expects the remaining 174,000 boxes in storage will run out by mid-June. March 1, there had been 892,000

boxes in storage. Some growers have already sold out.

“We had great interest,” said West Mathison, president and CEO of Stemilt Growers. “We ran out. I wish we had more.”

But prices have remained about static.

FOB prices are about the same as in February, said Brian Focht, manager of the Washington Apple Growers Marketing Association. And the average national retail price for Cosmic Crisp, according to Nielsen data, was \$2.47 a pound in April and \$2.46 in May.

Growers are looking to this coming season with both boosted optimism and concerned realism.

They’re optimistic because retailers are less distracted, some stores plan to resume taste tests, the industry will expand in Canada, and as trees mature, fruit quality will become consistent.

Expected challenges include continued COVID protocols, choosing ideal harvest and market release dates and dealing with wax problems in the warehouse because the variety’s skin is naturally waxy.

## More lawmakers press DOJ on meatpacker probe

By CAROL RYAN DUMAS  
Capital Press

Lawmakers are turning up the heat on the Department of Justice over its investigation of the four largest meatpackers.

The investigation, which began in May 2020, is focused on whether anti-competitive practices have led to the disparity between the prices of live cattle and wholesale beef.

“We understand that a thorough investigation can take many months, but it concerns us that farmers, ranchers and the packers themselves have all been left with little direction since the CIDs (civil investigation demands) were issued,” the lawmakers said in a letter to Attorney General Merrick Garland.

Led by Reps. Michael Guess, R-Miss., and Darren Soto, D-Fla., the bipartisan letter signed by 50

other members of Congress requested updates or a final report on the investigation.

“As you may know, the price for live cattle in the United States has decreased in the last several years, forcing many small operators to make difficult decisions as they strive to stay in business and keep their farms operational,” the lawmakers said.

“Yet, at the same time, the price of boxed beef has increased significantly, raising consumer prices and widening the gap between live cattle prices — which is a concern for ranchers and consumers alike,” they said.

The disparity has been widened by the pandemic and the labor shortages in processing facilities due to enhanced government benefits, resulting in continued food supply-chain disruption, they said.

“These challenges rein-

force the need to ensure that our nation’s farmers, ranchers and producers operate in transparent markets, which in turn helps feed American families. We ask that the DOJ continue its attentiveness to this matter and provide updates of findings to ensure confidence in our commodity markets,” they said.

The letter is the latest in a groundswell of lawmaker attention to the issue of meatpacker control and price disparity.

Last week, a bipartisan group of 28 House and Senate lawmakers sent DOJ a letter saying it’s time for the government to determine whether the “stranglehold” the large meatpackers have in the processing market violates U.S. antitrust laws.

In May, 16 representatives and senators sent a letter to DOJ urging it to continue or conclude its

investigation into the meatpackers’ actions during the 2019 fire at a Tyson plant and during the pandemic.

National Cattlemen’s Beef Association thanked Guess and Soto for adding their leadership to the effort pushing DOJ to complete its investigation.

“The growing motivation in Congress to hasten the conclusion of the DOJ investigation and take action on the issues plaguing our industry’s marketplace is the result of grassroots consensus among cattle producers,” said Ethan Lane, NCBA vice president of government affairs.

“Across the country, in sale barns and state affiliate meetings, we’re hearing the same frustration from our members — no matter how the pendulum swings, the leverage always seems to be on the side of the packers,” he said.



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