

BLM again faulted for proposed logging in recreation zone

By **MATEUSZ PERKOWSKI**
Capital Press

The U.S. Bureau of Land Management has violated a court order by again proposing to harvest timber within a “recreation management zone” on public land near Springfield, Ore., according to a federal judge.

U.S. Magistrate Judge Mustafa Kasubhai has recommended that environmental groups prevail in their claim that BLM’s 100-acre Pedal Power project is inconsistent with the Federal Land Policy and Management Act.

The timber sale was previously found to violate federal law in 2019 by U.S. District Judge Michael McShane, who faulted BLM for proposing to “cut the trees first, zone the buffer later” along recreation trails in the Thurston Hills area.

The judge said that “allowing logging and then establishing a Recreation Management Zone at some unspecified later date—if at all—seems to defeat the Zone’s very purpose.”

Last year, the agency re-proposed the project with a “recreation management zone” surrounding the trails, which would be constructed once the logging was finished. The BLM argued that it’d be inefficient to develop the trails beforehand because harvest operations would “rip them up.”

The Cascadia Wildlands and Oregon Wild nonprofits filed another lawsuit against the timber sale, alleging the government was “trying the same thing and expecting different results” by logging within the buffer zone.

Judge Kasubhai has now

agreed with the environmental plaintiffs that BLM failed to follow the instructions of the earlier court order, since its revised version of the project “proposes to log the identical area.”

“In other words, other than simply adding the trail designations and an RMZ to a map, BLM has not taken affirmative steps to preserve the RMZ in any meaningful manner prior to the harvest as ordered by Judge McShane,” he said. “Because BLM’s current plan fails to take affirmative steps to preserve the RMZ prior to timber harvesting, it violates Judge McShane’s prior order as a matter of law.”

However, the judge recommended that BLM and the Seneca Sawmill Co. — which intervened in the case — were correct that the project complied with the National Environmental Policy Act.

In the earlier lawsuit, the agency was found to violate NEPA by not taking a sufficient “hard look” at the project’s fire risks and not sharing important information with the public.

Judge Kasubhai has now determined that BLM has corrected these flaws in its revised plan, in which the agency concluded the project’s “effects on fire hazard would be the same under all alternatives, although the timing of these effects would differ.”

The parties in the lawsuit will now file arguments over the appropriate remedy for BLM’s violation of FLPMA. The ultimate decision will be made by a U.S. district judge who reviews Kasubhai’s recommendations.

Weeds find some advantages in dry soils of southern Idaho, SE Oregon

By **BRAD CARLSON**
Capital Press

A mostly dry, windy spring gave weeds some advantages as crop-growing season got underway in southern Idaho and southeastern Oregon.

“One of the problems we had was the wind,” said Brent Zeyer, a retired Melba, Idaho, farmer who helps son Tad with operations. “We couldn’t put out post-emergent herbicide on the schedule we wanted to.”

They since have caught up, he said. Joel Felix, weed-management researcher at the Oregon State University Malheur Experiment Station, said dry, windy conditions slowed onion farmers’ weed management soon after planting.

Wind delayed spraying. And in dry soil, an herbicide applied in the late pre-emergence stage did not get the moisture it needed to activate. Weeds in turn emerged. These growers thus had to wait until onions reached the two-leaf stage before applying another chemical, he said.

“By and large they have caught up,” Felix said. “Except now, Yellow Nutsedge has come up and they are using an herbicide through drip irrigation to control it.”

Albert Adjesiwor, weed scientist at the University of Idaho Kimberly Research and Extension Center, said pre-emergent herbicides in dry soil not only can lack the soil moisture they need to activate, but, “if it is dry and windy, those herbicides are going to be lost very fast from soil.”

And post-emergent herbicides won’t kill weeds as effectively as they would in normal conditions, he said.

Farmers who have limited options to



Courtesy UI

Albert Adjesiwor, weed scientist at the University of Idaho Kimberly Research and Extension Center.

use a pre-emergent, because the soil is too dry, can wait and apply a post-emergent “hoping there are some good conditions,” Adjesiwor said.

But relying only on post-emergent herbicides increases the chances that weeds will escape the farmer’s control, he said.

“Weed escapes are a recipe for disaster,” Adjesiwor said. Challenges include the immediate work as well as increased future risk the weed will develop resistance to the herbicide, produce seed and escape again.

Adjesiwor said dry soils leave fewer soil microorganisms to break down herbicide, which can limit planting options the following year.

Roger Batt, statewide coordinator for the Idaho Weed Awareness Campaign, said overall weed pressure hasn’t changed much from 2020 to this year. But late-May rains, followed by heat, “are going to result in some new growth

and some added weed pressure.”

Some species are thriving more. “We do see a lot more Kochia,” Batt said.

As for noxious weeds, Poison Hemlock “is out in full force” and the recent rain prompted puncture vine to emerge, he said. Whitetop, or Hoary Cress — equipped with a horizontal and vertical root system and now nearing its last blooming stages — will seed for next year if not controlled. Morning Glory, or Field Bindweed, also has a troublesome root system.

“We’re also starting to see Rush Skeletonweed,” Batt said. It’s hard to eradicate, crowds out native vegetation and has no nutritional value — significant in that it causes grazing and other animals to move to other areas.

Salt Cedar or Tamarisk also is appearing, he said. It’s a high-volume consumer of water, a potential problem in a dry year.

Central Oregon farmer offers grim picture to state legislators

By **MICHAEL KOHN**
EO Media Group

Cate Havstad-Casad, co-owner of Casad Family Farms, didn’t hold back last week while speaking on a Zoom call with state representatives about the drought conditions affecting farmers in Jefferson County, Ore.

Speaking during a meeting of the House Water Committee chaired by Rep. Ken Helm, D-Beaverton, Havstad-Casad told the legislators in stark terms that Jefferson County farms are starving for water while farms in other parts of the Deschutes Basin have more water than they need.

“What is happening through the forced dry up of this district, because we are junior water rights holders, is a massive ecological and a social disaster that not many people truly understand is happening,” said Havstad-Casad, a patron of the North Unit Irrigation District.

Havstad-Casad, a first-generation farmer, was highlighting concerns raised by others in Jefferson County, whose water allotments this year are so small that roughly half the county’s farmland is fallow. When the wind kicks up, the exposed ground creates clouds of dust in the Central Oregon sky as topsoil gets blown off the landscape.

“We watch it happen. We stand in the middle of it. It’s like watching your children’s future blow away,” she said.

She had been invited to speak to the legislators by the Coalition for the Deschutes, a nonprofit that works with both farmers and environmentalists to protect the Deschutes River.

Havstad-Casad said farmers are also facing financial hardship because their costs remain just as high as a normal season, but their profits are slashed due to the lost acreage.

“While we maintain 100% of our overhead costs, we are only able to farm 40% of our land because of the 40% allotment we have been given,” said Havstad-Casad, who practices regenerative agriculture on 200 acres. She has been farming near Madras since 2017 after moving there from a smaller



Cate Havstad-Casad

property near Bend.

Drought and low reservoirs are the primary reasons behind the drop in water allotments.

Wickiup Reservoir, the source of water for the North Unit Irrigation District, was just 31% full as of Friday. In an average year on the same date, the reservoir would be 79% full.

At its current pace, the reservoir will be empty by early August.

The reservoir is draining quickly even though North Unit patrons are getting just 1 acre-foot of water. Water patrons of other irrigation districts, including the Central Oregon Irrigation District (COID), are getting three times that amount. That’s because districts like COID have older (senior) water rights, so when water resources are restricted due to drought, junior rights holders have to curtail their water usage. Junior water rights holders get cut off in times of shortages.

Farmers are asking Oregon’s legislators to eliminate red tape that makes sharing water difficult.

Tod Heisler, director of the rivers program for Central Oregon LandWatch, said the barriers to sharing water are the result of a lack of legislation.

“In response to drought, COID offered to allow patrons to share their water with farmers in Jefferson County,” said Heisler. “But without a program in place to do this, and a concerted communications effort to recruit patrons into the program, it is questionable what can actually happen.”

Greg Mintz, legislative director for Rep. Ken Helm, D-Washington County, said state legislators are working to resolve the water crisis faced by Jefferson County farmers. House Bill 3103A could make a difference, he said. This bill seeks to “fix Oregon’s broken statute for transfers of stored water,” said Mintz.

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