

# Washington farm to fight fine by Ecology

By **DON JENKINS**  
Capital Press

Skagit Valley Farm, a northwest Washington vegetable producer, has been fined \$267,000 by the Washington Department of Ecology, which says the farm illegally irrigated 348 acres last summer.

The farm's CEO and founder, Tony Wisdom, said Wednesday that the farm will appeal the penalty to the Pollution Control Hearings Board.

He said the farm has been meeting regularly with Ecology for months to work through complicated water-right issues and that he was surprised the department decided to issue the fine.

"It's just been so shocking," Wisdom said. "We are

committed to being in voluntary compliance with state water rules. That's been our intention from day one."

Ecology's investigation spanned thousands of acres scattered in Skagit County and farmed by Skagit Valley Farm.

The farm irrigated crops, mostly Brussels sprouts and potatoes, without adequate water rights at eight sites on land owned or leased by Acme Properties LLC, Junior Farms LLC and Skagit Farmland LLC, Ecology alleges.

Ecology did not document environmental damage or impairment to other water users. The groundwater withdrawals had the potential to harm fish in the lower Skagit and Samish watersheds, Ecology's Northwest

regional water resources manager, Ria Berns, said.

"We're talking about irrigating a significant number of acres in a basin where stream flows are lowest when fish need water the most," she said in a statement.

Skagit Valley Farm was founded in 2012 and has water rights in Skagit County. The company says on its Linked In page that its vision is to be the most efficient, productive and profitable agricultural company in the Skagit Valley.

According to Ecology records, the department received a complaint that a large piece of ground was being prepared for irrigated crops. Skagit Water Master Kellie Gillingham reported driving by the property in

April and seeing several center pivots. Some of the land didn't have a water right, according to Ecology.

Later that day, Gillingham reported seeing a truck with a Skagit Valley Farm logo and a man apparently hooking up a pump that could draw water from Debay's slough. The farm has land there that does not have a water right, according to Ecology.

Ecology continued the investigation into land owned or leased by the farm and sent a long letter to Skagit Valley Farm detailing the alleged violations July 14. The allegations are largely based on seeing sprinklers and other signs of irrigation on land without water rights, according to Ecology records.

Wisdom said he didn't know until then that Ecology

was investigating the farm. He said he hired a water-rights attorney and hydrogeologist to sort through the complaints, involving dozens of pieces of property.

Wisdom said the farm and Ecology might have been able to work out the issues if the department had presented its concerns earlier, rather than conducting what he called a secretive investigation.

Berns said in an interview that Ecology waited until it had written the letter to give the farm clear and detailed information about the alleged violations.

Ecology did not calculate how much water was allegedly used. The department based its fine on the assumption that the different sites cumulatively were irri-

gated for a total of 150 days.

The department then levied fines ranging from \$1,000 to \$4,000 a day depending on the size of the site.

In the notice alerting the farm to the penalty, Ecology accused it of choosing "to irrigate crops for financial gain after receiving notice that these activities were unlawful."

Wisdom disputed that characterization. The farm has moved as quickly as possible to resolve complicated water-right issues, he said. "These are absolutely incorrect and false claims and assertions on their part," he said.

The farm likely will have to reduce its acres and seasonal workforce in 2022 to come into compliance, Wisdom said.

## Environmental groups fail to stop Southern Oregon logging projects

By **MATEUSZ PERKOWSKI**  
Capital Press

Environmental groups have failed to convince a federal judge to block two logging and fuels reduction projects on 8,000 acres of public forestland in Southern Oregon.

U.S. District Judge Ann Aiken has refused to issue a preliminary injunction against the U.S. Bureau of Land Management's Bear Grub and Round Oak projects because the environmental lawsuit against them probably won't succeed.

The Klamath Siskiyou Wildlands Center, Oregon Wild and Cascadia Wildlands nonprofits are unlikely to prevail on their claims that federal wildlife biologists improperly considered the effects of BLM's forest treatments on threatened spotted owls, the judge said.

While the ruling doesn't end the lawsuit, Aiken determined the environmental plaintiffs "failed to show serious questions"

regarding their allegations that the U.S. Fish and Wildlife Service's analysis violated the Endangered Species Act.

"And on this preliminary review, FWS appears to have considered the relevant factors and articulated a rational connection between the facts found and the decisions it made," as required by federal law, the ruling said.

In consulting with BLM on the projects, federal wildlife biologists found that the forest treatments would probably downgrade habitat in 37 of the spotted owl's home ranges within the project areas, Aiken said.

However, the projects will require that logging units be dropped from timber sales if they're occupied by spotted owls and will include other design criteria to avoid disturbing the species, Aiken said.

The federal government is unlikely to jeopardize the owl's continued existence or otherwise "take" the

threatened species because the vast majority of its nesting, roosting and foraging habitat won't be negatively affected by the forest projects, she said.

"Instead, it found that the majority of (the habitat) in the action area — 96% in Bear Grub and 83% in Round Oak — would remain untreated and available to support current and future spotted owl populations," the ruling said.

The judge said she cannot substitute her judgment for that of federal biologists but will allow the environmental plaintiffs to proceed with the lawsuit because they have standing to pursue the allegations in federal court.

The environmental plaintiffs filed the lawsuit last year, claiming the projects will further distress vulnerable spotted owl populations. They also alleged the federal government relied on uncertain or unenforceable conservation measures in approving the treatments.



Sierra Dawn McClain/Capital Press File

**Beef carcasses in a meat processing plant. Legislation introduced in the House of Representatives would allow livestock auction companies to invest in small and regional processing plants.**

## Cattle groups endorse bill to expand processing

By **CAROL RYAN DUMAS**  
Capital Press

Cattle producers and livestock auction owners are rallying behind legislation that would allow livestock auction markets to invest in small meatpacking facilities.

The bill would remove a barrier in the Packers and Stockyards Act that prohibits livestock auctions from owning, investing in and managing processing facilities.

The Amplifying Processing of Livestock in the United States (A-PLUS) Act was introduced by Reps. Vicky Hartzler, R-Mo., and Jimmy Panetta, D-Calif.

It would allow livestock auctions to invest in small and regional facilities with slaughter capacity of less than 2,000 head per day or 700,000 head per year. The bill aims to increase meat processing capacity and alleviate existing challenges in cattle marketing.

In January, the Biden administration announced a \$1 billion investment in expanding meat and poultry processing through small and medium-sized packing facilities to increase competition in the packing industry and address bottlenecks in the supply chain.

The Livestock Marketing Association said the A-PLUS legislation is essential in removing an unnecessary barrier to cattle industry investment in the packing sector.

"We greatly appreciate Congresswoman Hartzler and Congressman Panetta introducing the A-PLUS Act to reduce a regulatory barrier that currently prohibits its livestock auction owners like myself from investing in much-needed packing capacity expansion," said Larry Schnell, LMA president.

"This is a great bill that will spur additional capacity and especially additional packers to increase competition and improve profitability for producers," he said.

National Cattlemen's Beef Association said the legislation would secure another tool in the toolbox to boost processing capacity and alleviate key challenges in cattle marketing.

"The need for new packing facilities has become a critical issue for the cattle industry," said Clint Berry, chairman of NCBA's livestock marketing council.

"The A-PLUS Act paves the way for the marketing segment of the cattle industry to be included as inves-

tors in these facilities, helping reduce dependence on major packers and improving the competitiveness of the live cattle market," he said.

Tanner Beymer, NCBA senior director of government affairs, said the meatpacking sector continues to be the bottleneck in the cattle and beef supply chain.

"Opening more small and medium-sized processing facilities increases opportunities for producers to market their cattle and helps balance leverage in pricing negotiations," he said.

The United States Cattlemen's Association is also on board.

"The Packers & Stockyards Act is over one hundred years old. It's time to modernize parts of this historic legislation that no longer make sense in the modern world," said Brooke Miller, USCA president.

He said today's livestock auctions are often family-owned and regionally based. "If one of these entities wanted to invest in a local processing facility to increase processing capacity for producers in their area, there shouldn't be an outdated regulation holding them back from doing so," he said.



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