

# Cherry crop up from last estimate, but still smaller than average

By SIERRA DAWN McCLAIN  
Capital Press

The 2022 cherry crop won't be quite as small as originally projected, but it will still be smaller than average, the Northwest Cherry Growers organization predicted in its third round of crop estimates.

Cherry harvest in some growing regions across the Northwest started Friday, June 10, and the latest industry estimate is that the crop will weigh in at 14.9 million 20-pound boxes, up from last month's estimate of 13.6 million 20-pound boxes.

The latest estimate is still below the 10-year average of about 22 million boxes, which growers attribute mainly to the mid-April snowstorm that swept through the region during bloom, slowing pollination and damaging some blossoms. May and June rains have further reduced the crop.

According to Northwest Cherry Growers, an association representing growers



Chelan cherries in 2022.

across Washington, Oregon, Idaho, Utah and Montana, 2022's crop has been a hard crop to estimate because of this spring's "bizarre weather patterns."

Chris Zanobini, executive director of the California Cherry Advisory Board, told the Capital Press that California's crop is also smaller than average due to

"frost, hail and a smaller set after a large crop last year."

USDA's National Agricultural Statistics Service also predicts a smaller sweet cherry crop. In a report

released June 10, USDA forecast U.S. sweet cherry production at 275,000 tons, down 27% from 2021.

USDA attributed Washington's smaller crop to "severe cold weather in winter and spring reduced pollination and fruit set." It attributed California's smaller crop to frosts in February and March, and reported that Oregon too will have a smaller crop due to "high rainfall and low temperatures."

"Though not as large as some recent seasons, the 2022 crop is still a promotable cherry crop," said Northwest Cherry Growers.

Industry experts say small supply paired with high demand may be a recipe for good farm-gate prices for Northwest growers this year, but as shipments are just kicking off and cherries are ripening later than usual, some say it's too early to predict full-season pricing.

Quality looks good, according to Northwest Cherry Growers. A report from the association said

the Coral Champagne variety, though a reduced crop, is "setting some gorgeous cherries." Chelans are taking longer than average to ripen but are "looking just as beautiful," according to the report.

"As of today, there appear to remain promotable opportunities for what should be a crop of dessert-quality fruit," said the association.

If field reports and crop projections are accurate, the association said, the first peak of the season should hit around July 1 — six days later than last year's first peak of June 25. A larger second peak is expected around July 15, with volumes tapering off through late July and August. Harvest this year is expected to extend into September.

The cherry association says it will continue to monitor orchards during harvest.

"Mother Nature is still the largest shareholder in our crop, and we will have to see how the rest of the growing season progresses," said Northwest Cherry Growers.

## Legal challenges against hemp regulations thrown out

By MATEUSZ PERKOWSKI  
Capital Press

A federal appeals court has thrown out legal challenges to the U.S. Drug Enforcement Administration's hemp regulations because crop processors don't face imminent harm from the rules.

The hemp industry filed a lawsuit and a petition against the DEA's rules, arguing they effectively criminalize certain processing steps contrary to the 2018 Farm Bill.

Cannabis plants with less than 0.3% THC, a psychoactive compound, are considered hemp while those with a higher level are regulated as marijuana, which is illegal under federal law.

In 2020, the DEA adopted regulations stating that derivatives from the hemp plant must also fall below 0.3% THC to qualify for the exemption from being treated as controlled substances.

According to the Hemp Industries Association, the DEA's regulations have prohibited interim and waste extracts that contain more than 0.3% THC, which inevitably occur during processing but are later diluted.

For example, the compound CBD, or cannabidiol, is commonly added to foods and beverages or sold as a supplement intended



Fletcher Farms Hemp Co.

A field of hemp grows in Oregon. A federal appeals court has thrown out legal challenges to the U.S. Drug Enforcement Administration's regulations for hemp extracts.

to treat inflammation and other ailments.

Extracting CBD from hemp requires processors to handle interim substances in which the THC level is temporarily elevated above 0.3%.

The Hemp Industries Association fears the DEA regulations will result in criminal or civil charges against processors while discouraging investment in hemp products.

However, the U.S. Court of Appeals for the D.C. Circuit has now dismissed both its lawsuit and its petition, ruling that the regulations don't pose an imminent "injury-in-fact" to the hemp organization or its members.

Though the hemp indus-

try group believes the rules expand the DEA's authority beyond what Congress intended in the 2018 Farm Bill, which legalized the crop, the federal agency says it "did not intend any difference between the regulatory language and the statute," the appellate court said.

"Therefore, petitioners' primary argument is simply pushing on an open door because there is no dispute with the government," the ruling said.

The appellate court rejected the hemp organization's petition due to the lack of a legal "controversy" and dismissed a parallel lawsuit for similar reasons.

While the petition targeted the validity of the reg-

ulations, the lawsuit sought a declaration and injunction shielding hemp processors from prosecution.

According to the appellate court, the hemp organization hasn't shown that processors face a "sufficiently imminent or substantial risk of enforcement" for handling interim hemp extracts.

Despite statements from DEA officials that suggest these substances remain illegal, the threat of prosecution remains too "conjectural" for the lawsuit to proceed, the ruling said.

If the regulations themselves are "agnostic" regarding the treatment of interim byproducts, the potential for criminal or civil charges is not "certainly impending," according to the appellate court.

The DEA's regulations only address hemp's status in the agency's "schedule" of controlled substances, but not the "separate question" of whether the extraction process is authorized or prohibited, the ruling said.

"We would be hard-pressed to conclude that an agency rule that allegedly takes no position on the liability or immunity of a desired course of conduct can simultaneously proscribe or deny immunity for that same conduct," the ruling said.



Montana Fish Wildlife and Parks/AP File

A Washington wolf pack will be culled after repeated attacks on cattle.

## WDFW plans culling the Togo wolf pack

By DON JENKINS  
Capital Press

The Togo wolf pack, preying on calves in northeast Washington, was again targeted Monday by the Washington Department of Fish and Wildlife, which has shot one wolf in five previous tries at culling the pack since 2018.

Fish and Wildlife Director Kelly Susewind authorized the removal of one or two wolves. The authorization expires June 27, even if the department doesn't kill any wolves.

The pack has killed or injured four calves on private land since May 17, renewing a history of predations on cattle in Ferry County. Department policy calls for considering lethal control after three attacks in 30 days.

The department already was considering lethal control when a range rider found an injured calf Saturday. The department confirmed that the calf had been attacked by wolves.

Ranchers tried to prevent the predations from escalating to the point that the department was forced to make a decision on whether to use lethal control, according to Fish and

Wildlife.

Fish and Wildlife staff members judged the non-lethal deterrence measures as the best suited for the circumstances, according to the department.

Fish and Wildlife also determined that the predations are likely to continue and that removing one or two wolves from the pack won't harm the recovery of wolves in the state.

Ranchers checked on cattle regularly, used state-funded range-riders and removed sick or injured cattle from pastures.

Motion-activated flashing lights and an alarm box, and electronic ear tags to track cattle also were used, according to the department.

One rancher moved cattle from a pasture in early April after the discovery there of a deer killed by wolves.

Even before the predations in the past month, Fish and Wildlife had designated the Togo pack territory a "chronic-conflict zone," the only one in the state.

The department counted seven wolves in the pack at the end of 2021. Two of the wolves are wearing radio collars.

## Second wolf from Oregon's Chesnimnus pack killed

By GEORGE PLAVERN  
Capital Press

JOSEPH, Ore. — A second wolf from the Chesnimnus pack in northeast Oregon was shot and killed June 10 by state wildlife biologists after repeated attacks on livestock.

Problems with the pack began in late April, when the state Department of Fish and Wildlife confirmed wolves killed three calves in three days on a public grazing allotment in the Crow Creek area of Wallowa County north of Joseph.

ODFW issued a permit April 29 allowing the rancher, Tom Birkmaier, to kill up to two wolves on pastures where the depredations occurred.

Birkmaier's agent shot the first wolf, a yearling male, on May 3. The permit was originally set to expire May 24, but was extended through June 14 following another "probable" depredation by the pack.

On June 7, ODFW stated it would assist in killing a second Chesnimnus wolf under the permit due to additional conflicts with livestock, including a fourth depredation that was confirmed June 4 near Crow Creek.

Three days later, biologists shot the second wolf — also a yearling male —



ODFW

The breeding male of the Chesnimnus Pack caught on camera during the winter survey on U.S. Forest Service land in northern Wallowa County, Ore., in 2018.

from the ground, thus fulfilling the permit. ODFW states it will continue to assess the situation.

Gray wolves were removed from the endangered species list in Oregon

in 2015, though they remain federally protected west of highways 395, 78 and 95.

The state's wolf plan allows wildlife managers to consider killing wolves in Eastern Oregon if they prey on



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livestock two times in nine months, a standard known as "chronic depredation."

To qualify, producers must be using non-lethal deterrents at the time of the attacks and remove any carcasses or bone piles that might attract wolves.

John Williams, wolf committee co-chairman for the Oregon Cattlemen's Association, said Birkmaier has done everything humanly possible from a non-lethal perspective to keep wolves away from his cows.

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