

Environmentalists lose lawsuit against grazing

By **MATEUSZ PERKOWSKI**
Capital Press

U.S. District Judge Michael McShane has dismissed a lawsuit filed by environmental advocates who claimed the U.S. Forest Service unlawfully authorized grazing in the 165,000-acre Antelope Allotment of the Fremont-Winema National Forest.

"The Forest Service made a rational decision when it decided on a course of action that included continued grazing in the Antelope Allotment," McShane said.

The most recent grazing plans for the allotment opened up more land for grazing to encourage cattle to disperse instead of congregating in areas inhabited by the threatened Oregon spotted frog.

The Concerned Friends of the Winema and four other environmental nonprofits filed a federal lawsuit in 2019 alleging the agency's grazing plans were "unsupported and irrational" in violation of the Endangered Species Act, National Environmental Policy Act and National Forest Management



Mateusz Perkowski/Capital Press File

Cattle graze in an Oregon national forest. A judge has rejected a lawsuit that opposed grazing on 165,000 acres of national forest land in Southeast Oregon.

Act.

The judge has now rejected all those arguments, ruling that the government adequately analyzed livestock impacts on the threatened Oregon spotted frog in light of climate change and other stressors.

The effects of climate change were front and center during oral arguments between the environmental plaintiffs and the Forest Service in May.

McShane has now disagreed with allegations that climate change was ignored in the "BiOp," or biological opinion, that examined whether grazing would jeopardize

the spotted frog's existence under the Endangered Species Act.

The BiOp recognized that drought was "probably the most severe threat" to the population of frogs in Jack Creek, which runs through the allotment, and that historic population losses may potentially be attributed to climate change and invasive species, the judge said.

As to the specific future effect of climate change on the species, the plaintiffs "failed to point to any study" that federal officials should have consulted, he said. The absence of research on this subject led the government to con-

clude that any predictions would be "uncertain."

"As no studies at the time examined the effects of climate change on the Oregon spotted frog, any further discussion by the agency on this issue would have been speculative," McShane said.

Even so, the government took a "hard look" at past weather data as well as "future expected trends of increased average temperatures, reduced snowpack, and other effects of climate change" in an environmental study required by NEPA, the judge said.

Aside from climate change, this "final environmental impact statement," or FEIS, also complied with the legal requirements of the National Forest Management Act, the judge said.

"The Forest Service adequately assessed the viability of Oregon spotted frog, sensitive plants, mollusks, and other sensitive species in the FEIS and expert botany report, ultimately finding that the new grazing framework would not impair these species' viability," McShane said.

Contrary to the lawsuit's claims, the government did not disregard the national forest plan's goals improve conditions in riparian areas, including wetlands and moist meadows, the judge said.

"Plaintiffs' argument plainly ignores the agency's findings that the grazing plan will result in 'greater periods of forage recovery as well as reduced impacts to soils associated with trampling,' and 'more efficient use of resources and a greater likelihood of population recovery' as compared to the status quo," he said.

The environmental groups argued there's no "scientific or practical support" for the most recent grazing plan allowing livestock onto 20,000 additional acres of the allotment, but the judge rejected this claim.

"The administrative record contains sufficient support for the Forest Service to rationally predict that better dispersal, and therefore decreased impacts, will occur under the new grazing management plan as compared to status quo grazing," he said.

University's researchers find possible pesticide, cancer correlation

By **CAROL RYAN DUMAS**
Capital Press

Researchers at the University of Idaho have found a possible correlation between some agricultural chemicals and cancer in adults and children after analyzing data in 11 western states.

Alan Kolok, director of the university's Idaho Water Resources Research Institute, and Naveen Joseph, a postdoctoral fellow at the institute, with colleagues at the Northern Arizona University analyzed federal and state health and agricultural data and found that some agricultural pesticides — primarily fumigants — may be associated with cancer among adults and children in the western U.S.

"What we wanted to do was do a geographic approach to cancer and to address whether or not the trends that we saw could be related to one or more chemicals," Kolok said.

They were hoping to get closer to a causative agent than other studies that looked at geographic variation in cancer untied to any prospective initiating factor. What they found was that cancer appeared to be linked to the pesticide load, he said.

The researchers analyzed pesticide use and the incidence of cancer, weighted for population.

"We saw the same thing over and over. Fumigants tended to be associated or correlated with cancer incidence," he said.

Digging deeper, they found a strong association between cancer incidence and metam, the fumigant used most often.

"It doesn't mean metam is causing cancer, but rather that it was found to be associated with increased cancer incidence. We're not trying to be alarmists," he said.

The findings mean more research needs to be done by laboratories that can perform carcinogen assessment, such as long-term exposure in mice and rats or cell culture experiments, he said.

The research focused on 22 pesticides used most in the western states. They tended to be fumigants or herbicides.

Of the 11 states, fumigants dominate in the western region of Idaho, Washington, Oregon, California and Nevada. Herbicides dominate in the eastern region that includes Wyoming, Col-

orado, Montana, New Mexico and Utah. The pesticides are applied at roughly equivalent rates in Arizona.

Prior to the study, the researchers weren't aware that fumigants dominated in the western region of the West and herbicides dominated in the eastern region.

"That was striking. That in itself was a really surprising finding that we did not expect," he said.

The research found more incidences of cancer in the states where fumigants are used to produce food such as vegetables and fruit — as opposed to the states that use mostly herbicides to grow grains.

"In general, the states farther west have higher per capita rates of both pediatric and adult cancer relative to further east. That was surprising. ... We didn't expect the difference in states to be as dramatic as they are," he said.

It doesn't necessarily mean fumigants cause cancer; there could be another cause. But it should be investigated, he said.

"The power in what we found was that we didn't just find it once, we found it three times," he said.

The same results showed up in two studies that assessed county and state levels in the 11 states and the county level in Idaho, and the fumigant metam showed a significant association to cancer incidence in each study, he said.

"Our work is really a call to action. ... It's not a call to alarm," he said.

More research needs to be done to take a closer look, he said.

Interestingly, the researchers found no association between glyphosate and cancer incidence. The herbicide has been the target of lawsuits seeking to associate it with cancers.

"That was surprising to us, both atrazine and glyphosate. We expected them to light up (as they have been indicated in cancer incidence in other studies), however, we didn't see that," he said.

Mount Pisgah, Polk County designated Oregon's 23rd American Viticultural Area

By **GEORGE PLAIVEN**
Capital Press

SALEM — Oregon continues to add to its portfolio of distinctive wine-producing regions with the approval of Mount Pisgah as its 23rd American Viticultural Area, or AVA.

The area, 15 miles west of Salem in Polk County, includes 5,530 acres, making it Oregon's second-smallest AVA next to Ribbon Ridge.

However, it is one of the state's most densely planted AVAs with 584 acres of winegrapes, including Pinot noir, Chardonnay, Pinot gris, Pinot blanc and Tempranillo.

AVAs are designated by the Alcohol and Tobacco Tax and Trade Bureau, denoting characteristics such as geography, climate and soil that produce unique or special wines. Winemakers may use the appellation as a marketing tool, adding to the value of their product.

Brad Ford, owner and president of Illahe Vineyards and Winery in Dallas,



Mateusz Perkowski/Capital Press

The Illahe Vineyards near Dallas, Ore., are within the new Mount Pisgah, Polk County American Viticulture Area.

Ore., initially petitioned the TTB over five years ago to establish the new AVA in the Willamette Valley. His application was approved June 3 and took effect July 5.

To differentiate from a different Mount Pisgah — also in the Willamette Valley, near Eugene — the full name of the AVA is "Mount Pisgah, Polk County."

"Thanks to an excellent group of growers who

helped identify the most important aspects of our little mountain, I have no doubt we will continue to work together to build a beautiful destination for people willing to go the extra mile," Ford said.

Mount Pisgah is characterized by several unique geographic features, including the warmth of the nearby Willamette River; mild influence from the Van Duzer Corridor that funnels

cool air into the valley from the Pacific Ocean; and a rain shadow cast by Laurel Mountain to the west.

Shallow soils covering the area were formed over millions of years by marine sediment that pushed up from the ocean. Soil type can influence a wine's color and taste, with Pinot noir grown in marine sediment often described as dark fruited with notes of black pepper.

Plans for waterfront ballpark in Oakland move forward

By **SIERRA DAWN McCLAIN**
Capital Press

A California agency has cleared the way for the Oakland Athletics, a Major League Baseball team better known as the A's, to continue planning a \$12 billion waterfront ballpark project at a site that is currently a shipping terminal.

The decision could have ripple effects for shippers, including agricultural exporters.

The San Francisco Bay Conservation and Development Commission voted 23-2 last week to reclassify the 56-acre Howard Terminal, a slice of industrial land at the Port of Oakland, as a mixed-use area where a new ballpark and residential development could potentially be built.

Howard Terminal currently has a 22-acre waterfront "pop-up" yard for agricultural exports. It stores thousands of containers to ease congestion at the port.

Leveraging \$12 billion in private financing, the baseball team aims to convert the site into a waterfront ballpark that could seat 35,000, along with housing, a hotel and commercial and retail spaces on the land where Howard Terminal now stands.

The government commission's decision last week to reclassify the site as mixed



Oakland Athletics

A rendering of the stadium and surrounding developments Oakland Athletics plans to build at Howard Terminal.

use doesn't guarantee the ballpark and other developments will be built, but it is the first major legal hurdle the A's had to overcome to get permission to break ground for the project.

In a statement, Dave Kaval, president of Oakland Athletics, called the commission's vote "a huge win for our waterfront ballpark project and the future of Oakland and the A's."

Kaval says the project will create jobs, housing, open parks and "countless benefits for Oakland residents."

Oakland Mayor Libby Schaaf also applauded the commission's vote.

"Today's vote moves Oakland toward a more prosperous future," said the mayor. "...We will continue to work closely with our community

to bring this bold vision into a beautiful reality and keep our A's rooted in Oakland for generations to come."

In contrast, Thursday's vote came as a blow to shippers, including agricultural exporters, who say the site is important to their industry.

Peter Friedmann, executive director of the Agriculture Transportation Coalition, recently said taking the terminal space offline would be a "brain-dead idea."

At a shipping industry event last month, Matt Schrap, CEO of the Harbor Trucking Association, a coalition of intermodal carriers serving America's West Coast ports, similarly expressed concern about removing terminal space from port use.

Although the A's won the commission's vote, the project still has an uphill battle moving forward and faces litigation.

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