

## Tight labor supply pushes wages upward

By DAN WHEAT  
Capital Press

CASHMERE, Wash. — It was their second day into the Bartlett pear harvest. Pat Burnett and his son, Anthony, watched another carload of pickers roll into their Cashmere orchard and then roll out.

"They come in and look and turn around and leave," Anthony Burnett said. "If the trees are too big or the fruit too sparse, they don't like it."



Pat Burnett

With a shortage of pickers and high piece-rate wages, pickers "aren't hungry enough" and can afford to be choosy, he said, noting that a fast picker can earn \$200 a day.

A large apple crop and a deteriorating local workforce is making this one of the tightest labor years ever for the Central Washington apple and pear harvest, says Mike Gempler, executive director of the Washington Growers League in Yakima.

"H-2A (the foreign guest-worker program) is generally saving our bacon as an industry this year," Gempler said. Washington growers hired 11,844 H-2A-visa workers in 2015 and the farm labor association, WAFLA, has estimated it will increase to 15,000 this year. Large companies use H-2A but it's harder for smaller growers to follow suit, Gempler said.

Growers with good picking and paying competitive rates are doing well in attracting labor, but a lot of small-scale growers are struggling to maintain small crews, he said.

Wages have surged upward with the \$12.69 per hour minimum wage for H-2A workers becoming the floor, he said. Good pickers make the equivalent of \$15 to \$17 per hour on piece rate.

### Bonus pay

The Burnetts pay \$18 per bin with a \$5 per bin bonus if a picker stays with them to the end of harvest. That's up from \$18 and a \$4 bonus last year.

On Aug. 15, their second day of harvest, the Burnetts had seven of their regular crew picking and one other. They'd hoped for a total of 12. Without more pickers their Bartlett harvest will take a few days longer, stretching to perhaps two weeks. Then there will be

Turn to LABOR, Page 11

# NOTHING **EASY** ABOUT EASEMENTS

Anxiety surrounds conservation easements and making them work

By MATEUSZ PERKOWSKI  
Capital Press

Rancher Roger Ediger has no problem giving up the ability to subdivide his nearly 2,700-acre property near Mount Vernon in Eastern Oregon.

Development is the biggest threat to agriculture, wildlife and open space, Ediger believes, which is why he decided to place a conservation easement on the land that preserves its current condition in perpetuity.

"If we don't look farther than our own lifespan, then we'll have nothing," he said.

However, Ediger still faces a dilemma.

He is reluctant to have an environmentally oriented land trust or similar entity impose conditions on how he operates the ranch in exchange for "holding" the easement.

Since no third party holds the easement, though, it's possible that a future landowner will simply ignore the prohibition against development if nobody's there to enforce it.

"An easement is only as good as it is enforceable," said Mike Running, executive director of the Coalition of Oregon Land Trusts.

Turn to EASEMENTS, Page 12



Photos by Sean Hart/EO Media Group

Roger Ediger's cows are shown on his Eastern Oregon ranch. **BELOW:** Roger Ediger is seen on his Eastern Oregon ranch with McClellan Mountain in the background.



## Farmer seeks \$50,911 in Oregon land use dispute

Petition requests recovery of attorney fees

By MATEUSZ PERKOWSKI  
Capital Press

An Oregon farmer is seeking to recover more than \$50,000 in attorney fees from his opponents in a lawsuit over his straw-compressing facility.

Last month, John Gilmour prevailed in the dispute when the Oregon Court of Appeals ruled that straw-compressing operations are allowed outright on land zoned for farming.

Several neighbors and two conservation groups had argued that Gilmour's straw-compressing facility engaged in crop processing and thus was required to obtain a conditional use permit from the county, which lim-

ited his hours of operation.

The appellate court held that such permits aren't necessary because straw-compressing is a form of crop preparation, not processing, since "straw is unchanged in substance from when it is first baled in the field to when it is packaged for resale."

Gilmour's attorney has now filed a petition asking the Oregon Court of Appeals to order his opponents to pay \$50,911 because their legal position was "not well-founded in law" and they had "no objectively reasonable basis" for their legal challenge.

He's also entitled to attorney fees based on Oregon's "right to farm" law, which prohibits



Mateusz Perkowski/Capital Press

John Gilmour, owner of a straw-compressing facility near Albany, Ore., is in a legal dispute over whether his plant should be allowed outright on land zoned for farming. Several neighbors want him to obtain a conditional use permit because they worry about traffic impacts.

nuisance and trespass lawsuits against common farming practices, the petition said.

"Petitioners brought this appeal in an attempt to harass and delay a working farmer who has

neither the time nor resources to defend such a frivolous claim," the petition said.

The neighbors and conservation groups were motivated by "substantial animus" toward

Gilmour's farming operation and the associated "truck traffic, noise, and straw debris."

Suzi Maresh, a neighbor who opposed the facility because she believes it causes traffic hazards, said she was taken aback by the request for attorney fees.

The lawsuit concerned the interpretation of state land use laws, not nuisance and trespass claims over common farming practices, she said.

"We were certainly surprised because we were under the impression that would not be the case," Maresh said.

The \$50,911 in attorney fees would impose a steep financial burden, she said. "We can't afford that kind of money."

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