

# Appeal Tribune

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## \$15k fine for neglect of 200 alpacas upheld

**Whitney Woodworth**  
Salem Statesman Journal  
USA TODAY NETWORK

The Oregon Court of Appeals upheld a \$15,622 restitution fine on a Polk County man who was ordered to pay after he was convicted in 2014 of neglecting nearly 200 alpacas.

The restitution was affirmed Thursday after appeals court judges determined that despite the fact that Robert Silver, 79, was convicted of neglecting 17 alpacas that died before they received care, he could still be required by the court to pay care costs for the surviving herd.

Polk County Sheriff's deputies hauled away 58 dead alpacas from Jocelyn's Alpaca Ranch, a 20-acre property in Falls City owned by Silver and his wife, Jocelyn Silver, in 2013.

At least one baby alpaca was among the dead. The 176 surviving alpacas were emaciated and dying. The animals were transferred to the College of Veterinary Medicine at Oregon State University for emergency care before they were placed with an alpaca rescue organization to find new homes.

A series of complaints made about the Silvers and the mistreatment of their animals first led deputies to respond to their ranch with a licensed veterinarian. After finding several dead alpacas, they returned with a warrant and found 30 more dead animals and two more that couldn't stand.

According to Jake Kamins, the state's animal cruelty deputy district attorney who prosecuted the case, the Silvers started the ranch in 2006 after moving to Oregon.

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Alpacas rescued from a ranch in Falls City being treated at Oregon State University's College of Veterinary Medicine in Corvallis in 2014.

STATESMAN JOURNAL FILE



Owners Kay and Ron Koch (right) and u-pick worker Jackson Cook (left) at Koch Family Farm in St. Paul are offering u-pick but recommend customers wear masks and maintain social distance. EMILY TEEL/STATESMAN JOURNAL

## U-picks prepare during pandemic

### Farmers looking to open as safely as possible in light of COVID-19

**Emily Teel** Salem Statesman Journal  
USA TODAY NETWORK

In the annual Facebook announcement opening the u-pick strawberry season at Grandpa's Fresh Market, farmers Mike and Chris Christensen included precautions the farm is taking to protect against the spread of COVID-19.

They alerted prospective pickers they would pick into buckets sanitized by the farm, and asked people to maintain physical distancing, avoid bringing large groups, refrain from eating berries in the field and (calling out the most likely culprits of in-field snack-

ing), they asked people to leave young kids at home.

For many families, u-pick is a summer tradition that both represents a social activity and one devoted to food provisioning.

Disappointed comments poured in, necessitating a follow-up post:

"We know a lot of families look forward to this time. These are guidelines that we have to follow, and we do not wish to be shut down. We are doing our best to make u-picks possible this year, the safest way we can."

The Christensens farm represents one of the Willamette Valley's hundreds of u-pick farms. Often small scale and family-run, offering u-pick is a way for small farms to market a specialty crop while keeping labor costs low.

This year, in light of the ongoing coronavirus pandemic, these farmers are grappling with whether to

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## People are driving less, gas tax revenue declines

**Bill Poehler**  
Salem Statesman Journal  
USA TODAY NETWORK

People are driving less, but roads could suffer because of it.

Early projections are gas tax revenues in Oregon will decline \$125 million from March 2020 through March 2021 – the taxes raised \$625 million in the 2019 fiscal year – in conjunction with stay-home orders due to the COVID-19 pandemic and could fall farther if traffic remains light.

The Oregon Department of Transportation estimated traffic in Oregon dropped about 50% in early April and is currently down about 20% despite gasoline being at its lowest price since 2009.

Gas taxes Oregon collects are a major funding source for road construction and maintenance for the state as well as counties and cities. Marion County is projecting a \$2.6 million drop in its share.

"You might have to go back to fixing holes instead of paving roads," Marion County Commissioner Sam Brentano said.

Throughout Oregon, this year's planned construction and maintenance projects are proceeding as many of those are tied up with funds from other sources such as local or federal governments, and some of those projects have strict deadlines.

It's too early to project which future projects may have to be put off or scaled back, but some in the planning stages will have to be rethought.

"We don't anticipate making any cuts or reductions to projects that are already in process," said Travis Brouwer, assistant director for Revenue, Finance and Compliance for the Oregon Department of Transportation.

### What is Oregon's gas tax used for?

Oregon was the first state with a per gallon gas tax in 1919, according to Robert W. Pool Jr., director of transportation policy at Reason Foundation and the Badger Institute.

Gas taxes, a pay-by-mile tax on heavy trucks and fees on drivers and vehicles are the three major funding streams for the \$3.4 billion state highway fund; the gas tax makes up about 40% of that total.

The state gas tax rate is 36 cents per gallon to go along with an 18.4 cent-per-gallon federal gas tax, which has been the same rate for 27 years.

Counties receive 21% of the \$3.4 billion and cities receive 14% of that fund for their roads.

In addition, some cities – including Silverton (2 cents), Stayton (3 cents) and Woodburn (1 cent) – and counties have gas taxes, but not Marion or Polk counties.

Local gas taxes in Oregon can only be used for maintenance of streets, bridges, sidewalks and bicycle facilities. They can't be used to fund things like for public safety, park or libraries.

When Stayton voters passed its gas tax in 2017, the city estimated it had a \$23 million backlog of repairs and improvements to roads.

"The challenge for us, when you look at that gas tax, the city was way behind in where we were at in taking care of our streets," Stayton city manager Keith Campbell said. "The gas tax we received from the state and the local tax had helped us in getting to that going forward."

Stayton's gas tax was estimated to raise \$165,000 each year. Stayton also estimates it receives \$500,000 per year from the state derived from its gas taxes.

Gas tax revenue in Oregon has increased significantly in the past decade as the state gas tax has increased from 24 cents per gallon in 2009 and will continue to increase to 40 cents in 2024.

The increases are due to fuels tax increases in conjunction with the 2009 Jobs and Transportation Act (6 cents) and the 2017 Keep Oregon Moving Bill (10 cents in four increases through 2024), and those funds are earmarked for specific projects.

ODOT and local entities also receive some funding from federal gas taxes.

By Oregon relying on revenue streams other than gas tax such as registration fees, it isn't in as dire of straits as other states with the recent decrease in gas tax revenue.

"Actually, that's one of the reasons why our projects aren't going to be as impacted as they could be," Brouwer said.

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## Girl dies after tree falls on boats in Detroit Lake

**From Staff Reports**  
Salem Statesman Journal  
USA TODAY NETWORK

A 13-year-old Utah girl died May 24 at Detroit Lake after part of a tree fell on two pontoon-style boats near the shoreline in the Box Canyon area, the Marion County Sheriff's office said.

Deputies were dispatched around 3:40 p.m. after a call that two boats tethered together near the shoreline had been struck by the top of a large tree falling.

The caller reported at least one person was severely injured and was being taken to Mongold State Park for help.

CPR was being administered to the teen when marine patrol deputies and emergency personnel arrived at the Mongold boat ramp a short time later. Life Flight had been called but the girl was pronounced dead at the scene.



CPR was being administered to a 13-year-old girl when Marion County Sheriff's deputies and emergency personnel arrived at the Mongold State Park boat ramp on Detroit Lake on May 24, 2020, COURTESY OF THE MARION COUNTY SHERIFF'S OFFICE

The sheriff's office said the victim was at the lake with family.

No other injuries were reported.

Additional information was not immediately released.

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