

Problems arise often when city dwellers move to countryside

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"You should feel blessed to have neighbors that are good," he said.

Often, problems arise when city dwellers move to the countryside expecting idyllic peace, only to have their aesthetic tastes offended by neighbors who don't mow their grass or who populate their yard with rusted pickup trucks on blocks, Hunnicutt said.

Escalating conflicts

The conflict often escalates when the offended landowner recruits a government agency to retaliate against the neighbor, sometimes on regulatory grounds unrelated to the underlying problem, he said.

"The county gets called and the state gets called. They march in, and rather than use diplomacy, go in with guns blazing and make it even worse," Hunnicutt said.

At that point, lawyers are often hired, battle lines are drawn, and the time-consuming and expensive process of litigation begins, said Marti Dane, executive director of the Six Rivers Dispute Resolution Center in Hood River, Ore.

"If that's the preferred method, we end up getting ourselves into trouble," Dane said.

Free mediators

She said there is an alternative way to put the pieces back together, though it's often overlooked as tensions increase: using a third-party mediator.

Dane's organization is home to the USDA's Certified Agricultural Mediation Program for Oregon, which is aimed at resolving common rural problems.

Last year, more than 4,000 disputes across the U.S. were referred to it and similar programs.

Cost-wise, mediation has

Neighbor vs. Neighbor

By MATEUSZ PERKOWSKI
Capital Press

Several conflicts among neighbors have risen to prominence over the years, in some cases ending with high-level legal rulings. Following are some of the cases that Capital Press has covered:

- A straw-compressing facility run by farmer John Gilmour near Albany, Ore., drew objections from neighbors who complained about noise and traffic hazards.

The dispute ended up in court, with the Oregon Court of Appeals siding with Gilmour earlier this year.

The court found that straw-compressing is allowed outright on farmland, and is not a form of processing that requires a county conditional use permit.

- Another straw-compressing operation, owned by Jesse Bounds of Junction City, Ore., was accused of violating wetlands law by Oregon Department of State Lands.

Bounds said he's disagreed with a neighbor over a ditch that flows through both their properties, and suspects the dispute led to the complaint to state regulators.

After he tried rebuilding two barns that burned down earlier this year, DSL notified Bounds that his property was a wetland that he was impermissibly filling in.

The conflict is expected to come up before state lawmakers in 2017 with proposed bills that would exempt Bounds from the wetland designation.



Mateusz Perkowski

John Gilmour, a farmer who operates a straw-compressing facility near Albany, Ore., was involved in a dispute with several neighbors who complained of noise and traffic hazards.



Joel Rice

Although he repaid the neighbors \$47,500 for lost property value, Rice pleaded guilty in 2014 to several counts of animal abuse and was sentenced to two days in jail, two years probation, 369 hours of community service and a \$1,600 fine.

- A psychiatrist from La Grande, Ore., Dr. Joel Rice, grew frustrated with cattle trampling his property and shot and killed seven cows owned by neighbors.

a big advantage over litigation: It's free, as long as the disputes relate to certain issues, such as boundary disagreements, problems with non-farm neighbors, wetland determinations, grazing on public land and internal farm family conflicts, among others.

People are often reluctant to seek mediation, seeing it as a form of "giving up" or compromising, Dane said.

"It's much more of a formal process, much more sophisticated than people thought it was," she said.

A common misconception about mediation is that the

antagonists are forced to face each other to hash out their differences.

In reality, a mediator generally interviews each party separately and extensively, learning the nuances of the conflict. Everything that the mediator learns remains confidential and the information is not disclosed to either neighbor.

It's not even necessary for both parties to immediately agree to mediation — one landowner can request it, then the mediator decides how to approach the neighbor.

"I may go a month before I dare put them in the same

room together," said Gary Linkous, an attorney and mediator for the USDA program.

Objectivity counts

Mediation works for the simple reason that the mediator doesn't have any feelings invested in the dispute, Linkous said.

They're able to look at the dispute objectively and devise proposed solutions that the antagonists are too angry or defensive to consider.

"Emotionally, people get adversarial pretty quickly," he said. "What you're trying to do is defuse the thing."

Neighbor conflicts often

USDA agricultural mediation cases, 2015

(New cases by financial year)

Of the 4,052 new cases ...



NOTE: 41 states participated in USDA's Certified Agricultural Mediation Program as of FY2015.
Source: USDA CAMP

Capital Press graphic

center on practical problems — such as one landowner who cut hay that blocked another's irrigation ditch — that could have practical solutions, Linkous said.

Lawsuits, instead, focus on monetary damages and legal theories that seldom actually pan out in court, he said.

"The reality is 90 percent-plus settle anyhow," Linkous said. "Why not work on it sooner and not spend all that money, if you can?"

Unlike attorneys, who strategically consider what information to reveal, mediators are able to see the bottom line and underlying agenda of both sides while also maintaining secrecy, said Dane.

Mediation can help people realize that a solution is possible where neither side has to be defeated, she said. "If you can stop wanting the other person to be wrong, then you can make a lot more progress toward creative solutions and less regulation."

Mediator's role

Mediators aim to discern between the neighbors' actual interests and their negotiating positions, said Jack Hebner, executive director of the Fulcrum Institute, an organiza-

tion in Spokane that provides USDA mediation services in Washington, Idaho and Montana.

People's real motivations can diverge from what they claim, said Hebner.

For example, someone who needs to sell his car to pay for medical care for a sick child isn't likely to admit that fact during sales negotiations, he said.

Rather, he's going to act as if he's trying to get the best deal for the vehicle, so as to avoid losing his bargaining power, Hebner said.

"In our culture, once you say what you need, you become vulnerable," he said.

By having full access to information, mediators can easily clear up disputes that emerge from simple misunderstandings, said Gayle Cooper, associate director of the Fulcrum Institute.

One dispute over water drainage between a private landowner and a federal agency was resolved when it became apparent the government hadn't taken any action to cause the problem, as the landowner believed, she said.

"They were operating from misinformation," Cooper said.

Linkous said he advises parties in mediation to be open with any documents or other proof that buttresses their position.

Such information would eventually be turned over during the discovery process in litigation, but only after the case had cost more time and money, he said.

Though Linkous is an attorney, he doesn't provide legal advice to neighbors in mediation.

However, if he does encounter relevant case law or regulations that undermine one side's position, Linkous asks the people or their attorneys how they plan to deal with the precedent.

Nature of the crop differentiates alfalfa from other GMOs

GMO from Page 1

Cultivars can be shifted more quickly with annual crops, he said. "You can change your mind next year and do something completely different than this year."

Commercialization of genetically modified alfalfa experienced a substantial setback after initially being deregulated by USDA in 2005.

Two years later, a federal judge blocked new plantings of a "Roundup Ready" glyphosate-resistant variety developed by Forage Genetics

International and Monsanto.

The USDA took several years to complete court-ordered environmental analysis of the crop, which was again deregulated in 2011.

Genetically engineered sugar beets also encountered legal problems during commercialization, but adoption has nonetheless shot up to about 99 percent of planted acreage, according to USDA.

Alfalfa has particularities that have hindered greater adoption of genetically modified varieties, Putnam said.

In the Midwest and Northeast, farmers commonly plant a mixture of alfalfa, grass and clover for hay and forage, since each crop performs differently in fields with varying drainage conditions, he said.

"Using Roundup Ready doesn't make any sense in that situation," since glyphosate would kill the grass and clover, Putnam said.

Adoption of genetically engineered alfalfa is highest in Western states, where fields are generally devoted specifically to that crop and biotech culti-

vars comprise up to 60 percent of newly planted acreage in some areas, Putnam said.

However, fear of export market repercussions has quelled enthusiasm for genetically engineered alfalfa among some farmers, he said.

In California's Imperial Valley, Monsanto and Forage Genetics have disallowed planting of biotech varieties in contracts with growers at the urging of local farm groups.

Alfalfa is often grown for seed in the Imperial Valley, particularly non-dormant varieties

that are exported to countries with hot climates, such as Saudi Arabia, Mexico and South Africa, said Putnam.

Exporters fear that gene flow between conventional and biotech alfalfa will lead to rejection of shipments in foreign markets, he said.

"The export industry is very sensitive to the presence of genetically engineered crops," Putnam said.

Forage Genetics International, which bought the rights to the crop from Monsanto, did not respond to requests for comment from Capital Press.

The Center for Food Safety, a nonprofit group that challenged the commercialization of genetically engineered alfalfa in court, isn't surprised the crop hasn't been adopted more widely, said Bill Freese, its science policy analyst.

Alfalfa grows so thickly that it suppresses weeds, so herbicides were seldom used on the crop before the biotech varieties were introduced, Freese said.

Despite the comparatively low adoption rate, Freese said his group's concerns about genetically engineered alfalfa were not overblown.

Even though it's not as pervasive as other biotech crops, genetically modified alfalfa nonetheless poses a risk for conventional and organic farmers where it is grown, he said.

The Roundup Ready crop also perpetuates the problem of weeds becoming increasingly tolerant of glyphosate, Freese said. In other crops, this phenomenon has led biotech developers to create varieties resistant to 2,4-D and dicamba herbicides.

Livestock purchases down, feed costs up

INCOME from Page 1

It's fairly rare to see a decline in production expenses year over year, and this will be the second year in a row, Williamson said. In real terms, however, those expenses — nearly \$350 billion — are still relatively high compared with the 1970s and 1980s.

Livestock purchases are down but feed costs are up a little, reflective of more animals on farms, he said.

The 2016 forecast predicts:

- Expenses for feed and livestock purchases combined, down 6.1 percent.

- Fuel and oil expenses, down 12.2 percent.

- Interest expenses, down 3.8 percent.

- Net rent expenses, down 1.6 percent.

Labor costs, however, are forecast to increase 5.4 percent.

Government direct payments also help to offset the decline in cash receipts. Those payments are forecast to be up \$2.1 billion to \$12.9 billion,

making up more than 14 percent of net cash income, Williamson said.

Farm assets are forecast to decline 2.1 percent on a drop in value on real estate, as well as other declines. Debt is forecast to increase 5.1 percent, driven by higher real estate debt, he said.

Farm equity is forecast down nearly \$80 billion, or 3.1 percent, from last year. Both the debt-to-asset and debt-to-equity ratios have been ticking up but are relatively low compared to the 1980s, he said.

The bigger picture shows the health of the overall farm economy is strong in the face of challenging markets, USDA Secretary Tom Vilsack said in a statement on the financial report.

Farm income over the last five years reflects the highest five-year average on record, debt-to-asset and debt-to-equity ratios continue to be near all-time lows and 90 percent of farm businesses are not highly leveraged, he said.

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