

# Oregon ranchers fear bikes and cows don't mix

By MATEUSZ PERKOWSKI  
Capital Press

PRINEVILLE, Ore. — Grazing cattle and speeding mountain bikes don't seem compatible to rancher Shelley Santucci.

For that reason, Santucci grew alarmed earlier this year when the U.S. Forest Service floated the idea of constructing a 52-mile system of mountain bike trails largely on her grazing allotment near Prineville, Ore.

"It's not just a bike trail, it's a bike highway," Santucci said of the proposal.

The possibility of a mountain bike crashing into a cow at high speed doesn't seem safe to Santucci, who also worries who'd be held liable for such an accident.

Aside from the immediate threat of collisions, she's concerned that the presence of bikers will drive her cattle from the uplands into riparian areas.

Santucci's grazing allotment, which her family's held for 33 years, is regularly monitored for disturbances to waterways. Violations could mean losing the grazing permit.

"It's tough enough to keep them in the uplands as it is, because cattle by their nature are roamers," she said.

Other neighbors of the proposed Lemon Gulch Trail System Project also worry about the heightened risk of fire from more visitors.



Mateusz Perkowski/Capital Press

**Rancher Shelley Santucci discusses her concerns about the proposed Lemon Gulch Trail System in the Ochoco National Forest, which critics fear will conflict with grazing cattle.**

The project would entail building three trailheads for up to 40 cars apiece, which critics fear would invite around 100 vehicles a day and greatly worsen traffic on the gravel road leading to the site in the Ochoco National Forest.

These problems, as well as a potential culture clash between rural residents and urban mountain bikers, aren't worth any economic boost from tourism — which would likely be nominal, said rancher Don Vogel.

"They might stop by a brewery in town and eat a hamburger and drink a beer, but it's not going to bring much money to this community," Vogel said.

Though the proposal was officially announced under a "scoping notice"

in March, the concept has been fermenting for about three years. Critics feel it's now largely a *fait accompli* whose planning they were excluded from.

"The Forest Service has a legal obligation to contact adjacent landowners and affected permittees. None of them were contacted," said Ann Dill, a neighboring rancher.

Critics of the proposal are trying to muster political opposition to the project at the county, state and federal levels, with the goal of having the trail system built somewhere else.

"We're not necessarily opposed to it. We're opposed to it at the location proposed," Vogel said. "We've asked them to go back to the beginning, to start the process over."



Mateusz Perkowski/Capital Press

**Ann Dill, left, discusses the proposed Lemon Gulch Trail System in the Ochoco National Forest with Shelley Santucci, center, and Don Vogel. They fear mountain bikers will conflict with grazing cattle.**

Due to the concerns raised by critics, the Forest Service is hitting "pause" on the proposal, but it doesn't plan to choose another site for the trail system, said Cassidy Kern, public affairs officer for the agency.

"We definitely pumped the brakes," she said.

The trail system would predominantly be located within the 50,000-acre Mill Creek Allotment. About 6% of that area — 3,000 acres — would be affected by the proposal, the agency said.

Santucci's permit allows her to release 340 head of cattle onto the allotment.

The Forest Service is looking into reports of collisions between bikes and cattle on other trails but so far hasn't found any, said Beth Peer, environmental coordinator with the

agency.

The agency will be "managing public expectations" so that bikers are aware of cattle and manure on the trails. The agency will also rely on a "phased approach" so that there's "time for monitoring and assessing" the project's impacts, Peer said.

"Mountain biking is a valid use of public land, as is grazing," Kern said. "How do we balance those benefits? That's what we're working on right now."

As for complaints about the planning process, the Forest Service said it's only taken an active role this year after receiving a submission from the Ochoco Trails Strategy Group.

That "collaborative" group is aimed at resolving conflicts between rec-

reational uses of public lands, such as those between mountain bikes and horses, Kern said. "They're trying to deconflict themselves before they come to the Forest Service."

The agency began notifying landowners and started the scoping process once it had taken up the strategy group's concept, she said. "When they brought us the project proposal, that's when our wheels began to kick into motion."

It's already common for mountain bikes to share trails with cattle, so it should be possible to resolve the concerns of the project's critics, said Travis Holman, who represented the Central Oregon Trail Alliance in developing the strategy group's proposal.

"I don't think I've ever heard of a mountain bike colliding with a cow," Holman said.

Trails that meander through "technical features" require bikers to slow down, while faster trails are designed to have a clear view so that bikers have no problem stopping for obstructions, he said.

It's possible that rerouting certain trails or reducing the overall trail mileage will alleviate critics' concerns, Holman said.

"We want to get with the ranchers and look at the specifics on the map," he said. "We hope to work with them."

## Biden administration accuses meat processors of pandemic profiteering

By CAROL RYAN DUMAS  
Capital Press

The Biden administration has released a report addressing concentration in the meat-processing industry, saying processors are generating record profits during the pandemic at the expense of consumers, farmers and ranchers.

"The dynamic of a hyper-consolidated pinch point in the supply chain raises real questions about pandemic profiteering," the report states.

The top four beef, pork and poultry processors control 82% of the beef market, 66% of the pork market and 54% of the poultry market, according to the report by the National Economic Council.

"That consolidation gives these middlemen the power to squeeze both consumers and farmers and ranchers. There's a long history of these giant meat processors making more and more while families pay more at the grocery store and farmers and ranchers earn less for their products," the report states.

Large price increases for beef, pork and poultry are driving the recent price increases at grocery stores, constituting half of those increases. Since December, prices have increased 14%

on beef, 12.1% on pork and 6.6% on poultry, the report states.

Gross profits for some of the leading beef, pork and poultry processors are at their highest levels in history, and net income for many of the companies is on pace to reach historic highs, the report states.

"These record profits, income and margins underscore the role that meat processors' dominant market position and power play in increasing meat prices," the report states.

"While factors like consumer demand and input costs are affecting the market, it is the lack of competition that enables meat processors to hike prices for meat while increasing their own profitability," the report states.

At a White House press briefing on Sept. 8, Brian Deese, director of the National Economic Council, said the administration — with USDA Secretary Tom Vilsack in the lead — is focused on driving more price transparency and encouraging more competition in the meat processing sector.

Vilsack said the agency has two responsibilities — making sure farmers get a fair return and consumers get fair prices.

USDA is strengthen-

ing the Packers and Livestock Act to identify and hold processors accountable for unfair and discriminatory practices, making sure there is adequate price discovery in livestock markets, providing funding to expand processing capacity and maintain small and very small facilities, and making new rules on labeling meat "Product of the USA."

The North American Meat Institute, which represents processors, issued a statement saying meat and poultry processors have been and continue to be affected by the global pandemic and inflationary trends.

"American consumers of most goods and services are seeing higher costs, largely due to a persistent and widespread labor shortage. The meat and poultry industry is no different," said Mark Dopp, the Meat Institute's COO.

"Issuing inflammatory statements that ignore the fundamentals of how supply and demand affects markets accomplishes nothing," he said.

"Meat and poultry markets are competitive and dynamic with no one sector of the industry consistently dominating the market at the expense of another," he said.

## Judge: Washington Farm Bureau can sue to stop capital gains tax

By DON JENKINS  
Capital Press

The Washington Farm Bureau can challenge the state's capital gains tax before it takes effect, rather than wait for farmers to be taxed, Douglas County Superior Court Judge Brian Huber has ruled.

Huber rejected claims by the state attorney general that potential taxpayers can't question the tax's legality. Some farmers anticipate owing the tax and say it has already lowered the values of capital assets, even though the tax won't take effect until 2022.

The attorney general argued that farmers were only speculating that they would owe the tax. Huber said farmers weren't being "unduly speculative."

"The court finds no basis to suggest that these allegations are unreasonable," Huber wrote in a ruling Sept. 10.

The ruling did not touch on whether the capital gains tax violates the state constitution. It does, however, allow the suit brought by the Farm Bureau and



others to proceed.

The tax's legality likely will be decided by the state Supreme Court, but the issue will have its fullest hearing in Douglas County, an agricultural area in Central Washington.

Huber denied a motion by the attorney general to move the case to Thurston County, where the capital and most of the state bureaucracy are. The Farm Bureau and a conservative think tank, the Freedom Foundation, chose Douglas County to file separate lawsuits. Huber said the state gave no valid reason for moving the case.

"We were delighted. A win on all counts is a good win," Farm Bureau CEO John Stuhlmiller said Sept. 13.

Democrats this year passed a 7% tax on income over \$250,000 from sell-

ing certain capital assets. The tax won't apply to farmland, but will apply to shares in business partnerships.

Lawsuits claim the capital gains tax violates the state constitution by taxing income unequally. Defendants say it's not a tax on income, but rather a tax on transactions.

Gov. Jay Inslee's administration sought to forestall legal challenges to the tax, claiming there was no dispute for courts to review until the tax was collected. Taxpayers could then apply for refunds, the state argued.

Huber said it was well settled that courts have the power to rule on the constitutionality of tax laws.

The Farm Bureau and Freedom Foundation's lawsuits were merged into one case.

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