

# Eight Oregon ranches join battle over grazing prohibitions

By **MATEUSZ PERKOWSKI**  
Capital Press

Eight Oregon ranches will join in a lawsuit against environmental advocates who want to shut down grazing on 13 federal pastures for sage grouse research.

A federal judge has decided the ranches should be allowed to intervene in the lawsuit because their interests wouldn't be adequately represented by the U.S. Bureau of Land Management or another ranch already involved in the litigation.

The Oregon Natural Desert Association and two other environmental nonprofits claim the BLM has violated a management plan for Eastern



**Cattle graze on rangeland in Oregon. Eight Oregon ranches have joined a legal battle against environmental groups over grazing prohibitions.**

Oregon rangeland by allowing grazing to continue on the 13 pastures.

In 2015, the pastures were designated as "research natural areas" where grazing would cease during studies on vegetation, which was part of the

Obama administration's plan for protecting the sage grouse.

A subsequent plan approved by the Trump administration in 2019 removed the provisions that would halt grazing, but a federal court decision later reinstated the

original Obama-era plan.

The environmental plaintiffs then filed a lawsuit against BLM for failing to implement the "research natural areas," but the agency claims it's been delayed by bureaucratic processes such as studying the

impacts of fence-building on wildlife.

Cahill Ranches near Adel, Ore., intervened in the lawsuit and joined the BLM in arguing against a temporary restraining order against grazing sought by environmental groups earlier this year.

U.S. District Judge Michael Simon denied that motion in late March, ruling that an injunction would impose a greater burden on ranchers than on the environmental plaintiffs, who wouldn't suffer irreparable harm if grazing continued.

Other ranches affected by the litigation — Mackenzie Ranch, Laird Ranch, Cow Creek Ranch, Burgess Angus Ranch, Rocking Club Cattle,

V Box Land & Livestock, Mark Mackenzie LLC and Tree Top Ranches — asked to intervene in the lawsuit as well.

The judge has now decided they have a right to intervene because they "do not share the same ultimate objective with existing parties," since they rely on different pastures than Cahill Ranches.

The ranches may pursue different legal arguments than BLM and experience varying economic and operational effects from grazing prohibitions and fence construction, the judge said. "These distinctions go beyond mere difference in litigation strategy."

# H-2A shepherder sues ranchers claiming antitrust, wage-fixing

By **SIERRA DAWN McCLAIN**  
Capital Press

A Peruvian herder is suing the Western Range Association, a livestock industry group, accusing its members of antitrust violations and wage-fixing.

According to court records, the plaintiff is Cirilo Ucharima Alvarado, a Peruvian citizen who came to the U.S. on a temporary H-2A visa to work as a shepherd on Little Ranch in Spring Creek, Nev., in 2020.

Alvarado v. Western Range Association, filed June 1 in the U.S. District Court in Nevada, alleges ranch members of the Western Range Association have colluded to artificially depress workers' wages and have violated the Sherman Antitrust Act, a 132-year-old law intended to prohibit wage-fixing agreements between employers.

The plaintiff's lawyers have requested the suit be certified as a class action.

This suit is the latest of several attempts to sue the range association over this issue. Previous attempts were unsuccessful.

The Western Range Association is a nonprofit association of ranchers in 13 Western states who help facilitate the employment of H-2A foreign workers

for herding livestock.

Shepherders in the H-2A visa guestworker program are typically from Central and South America, often from Peru, a country with a long history of sheep husbandry.

In court documents, the suit alleges that herders apply for jobs through the Western Range Association, which then assigns them to ranches, giving them "no meaningful opportunity to shop between ranches for better treatment or decent wages."

David Seligman, executive director of Towards Justice, the nonprofit law firm that brought the suit, said sheep farms should have to compete for workers, and workers should have more options.

"These workers are immensely valuable and important to this industry, and they should have the right to shop around for decent wages," said Seligman.

Ellen Jean Winograd, the Western Range Association's general counsel, said the association received notice June 1 that it was being sued over alleged H-2A shepherding wage rate violations.

"Based on having just seen the complaint yesterday and investigating it now, Western Range's

position is that it's not legally or factually supported," said Winograd.

H-2A shepherding practices, said Winograd, are "highly regulated" by many state and federal agencies.

The association faced a similar suit a few years ago in *Llacua v. Western Range Association*, which the 10th U.S. Circuit Court of Appeals dismissed because the court said the herders had not sufficiently proven collusion.

Seligman, of Towards Justice, said his firm holds the position that the 10th Circuit's decision was "incorrect."

Winograd, the range association's general counsel, said that "the alleged violations (in the Alvarado suit) are being raised in a civil lawsuit, apparently seeking millions of dollars of damages and attorney fees on an issue previously adjudicated in favor of Western Range by the Colorado District Court and the Tenth Circuit Court of Appeals."

Some of the attorneys involved in the new lawsuit, Winograd said, "have also been involved in several unsuccessful and pending lawsuits against the Department of Labor, Western Range and its ranch members in Colorado, Nevada and the District of Columbia."



**An H-2A foreign guestworker on an Idaho sheep operation. A lawsuit claiming ranchers fix wages was filed this week in federal court.**

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