

FARMING ISSUES AND BUSINESS RESOURCES

ATTORNEYS

A listing of Oregon attorneys who specialize in agricultural issues can be obtained from the Oregon State Bar, Agricultural Law Section or from one of the Web sites listed below. The Oregon State Bar also has a Referral and Information Services Program. Referral and Information Services (RIS) comprise several public and member services that link people seeking legal assistance with lawyers and programs able to assist them. Other RIS programs include the Modest Means Program, Lawyer to Lawyer, and Problem Solvers. Legal Referral Service (LRS) clerks refer calls from members of the public to participating attorneys based on location, area of law, and special services offered. On average, 250 calls are received every day, slightly less than half are treated as LRS referrals to legal aid programs, government agencies, tel-law, and other sources of law-related advice. Approximately 1,500 attorneys in private practice participate in the LRS program.

The Oregon Farm Bureau offers a Farm Employer Education and Legal Defense Service (FEELDS). FEELDS assists members with farm labor law compliance and then provides legal representation should a legal proceeding be initiated against the member. For details on this member-service program call 503-399-1701, ext. 316, or visit <http://oregonfb.org/programs/feelds.shtml>.

TECHNICAL ASSISTANCE

Oregon State Bar
Referral and Information Services
Phone _____ 503-684-3763 or 800-452-7636
Web _____ <http://lawyers.findlaw.com> or <http://osbar.org>

BIOSECURITY ON THE FARM OR RANCH

Biosecurity has always been an important component of animal and crop disease control programs. The program is designed by the owner with the help and guidance of the owner's veterinarian or other animal and crop health care professionals.

The goals of a biosecurity program are to prevent the introduction of disease onto the farm from outside sources, as well as prevent the transfer of disease within the farm environment. Biosecurity is not about building fences with razor wire, guarded gates, or water filled moats. It is about how you can protect your operation from profit robbing diseases. The costs of a biosecurity program are minimal while the benefits are great. Biosecurity is a way of thinking and it should be a top priority when planning and making important management decisions.

DEVELOP A PLAN

Biosecurity requires a plan. The concept of avoiding or preventing the introduction of disease requires some thinking and planning in order for the results to be successful. No two biosecurity plans are exactly the same since no two properties or production units are exactly alike. Keep in mind that biosecurity is basically an economic decision. That is, there is a cost related to certain diseases in your animals or crops, and there is a cost to preventing them. A good plan will be useful and allow an operation to be profitable while the biosecurity plan is being implemented. It is important to consult with your veterinarian or crop health professional so that your efforts will be effective.

IDENTIFY RISKS

What factors constitute disease exposure (or biosecurity risks)?

- risks related to animals
- risks related to seed and other plant material
- risks related to mechanical traffic and/or human traffic
- risks related to feeds from off-site sources.
- Some fundamental points common to all biosecurity programs
- observe your animals and crops daily for signs of disease
- be aware of unusual events or behavior changes in your animals
- minimize contact with animals belonging to others
- know the health status and disease control programs of any herd or flock from which you buy animals
- screen visitors who are in contact with your animals and crops.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

State veterinarian

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4680

Web _____ <http://oregon.gov/ODA/AHID>**Plant Health Programs**

Phone _____ 503-986-4620

Web _____ http://oregon.gov/ODA/CID/PLANT_HEALTH

US DEPARTMENT OF AGRICULTURE

Area veterinarian in charge

Phone _____ 503-399-5871

Plant Protection and Quarantine Program

Phone _____ 503-326-2814

BIRD, PREDATOR, AND RODENT DAMAGE CONTROL

WHO MUST COMPLY?

Persons experiencing agricultural damage by migratory birds need to obtain a federal depredation permit from the US Fish and Wildlife Service (USFWS) if birds are going to be killed. No federal or state permit is required to scare (haze) migratory birds, per OAR 635-043-00. The hazing of bald eagles, which are also protected by the Eagle Protection Act and the Endangered Species Act, will require permits from the USFWS. If fireworks are to be used to haze birds from crops, a permit is required from the Office of the State Fire Marshal.

The use of certain methods and techniques to take predatory animals may require permits.

PERMITS

An aerial hunting permit is required prior to a livestock owner or land owner taking coyotes or feral swine from an aircraft. This permit is issued by the Oregon Department of Agriculture (ODA), Animal Health and Identification Division, 503-986-4680.

A pesticide applicator license may also be required if a farmer or rancher intends to use certain EPA/ODA registered pesticides. Contact the Oregon Department of Agriculture Pesticides Division, 503-986-4635.

Hazing any wildlife using agricultural fireworks requires a permit from the Office of the State Fire Marshal, Bureau of Hazardous Materials, 503-378-2885.

Permits to take game animals causing damage to agricultural crops and property are issued by the Oregon Department of Fish and Wildlife, 503-229-5454, ext. 467 or ext. 478.

RESOURCES

The US Department of Agriculture Animal and Plant Health Inspection Service (APHIS), Wildlife Services (USDA/WS) provides recommendations to the US Fish and Wildlife Service for federal permits to take (kill) protected migratory birds which are damaging agricultural crops or property.

USDA/WS provides demonstrations, loan or sale of supplies and equipment to haze (scare) migratory birds, and makes recommendations to the Office of the State Fire Marshal regarding issuance of permits for agricultural use of fireworks.

Additionally, USDA/WS provides recommendations to farmers or ranchers and residential property owners regarding wildlife damage management. USDA/WS provides direct control activities in some counties. USDA/WS also provides recommendations to farmers or ranchers; property owners; and federal, state and municipal land managing agencies regarding field rodent damage control. The program may provide control or technical assistance (extension/education) activities to those having property loss by field rodents (ground squirrels, gophers, moles, beaver, nutria, etc.) depending on county funding. USDA/WS also conducts control activities (e.g., bird control, predator control, etc.).

COMPLIANCE

Contact USDA/WS and request assistance before taking control measures. USDA/WS will respond to the request and make recommendations based on demonstrated need. Special permits may be needed in some circumstances. The landowner is responsible for complying with all applicable state and federal laws or regulations and conditions of the permit. USDA/WS is available to explain these laws to agricultural producers.

RECORD KEEPING

Licenses issued by the respective agencies outline the required record keeping requirements.

SAFETY AND TRAINING

The Office of the State Fire Marshal has specific responsibilities regarding storage and use of fireworks for protection of agricultural crops. USDA/WS provides assistance and training in the safe and proper use of all wildlife damage control methods and techniques, including fireworks.

The Oregon Department of Agriculture has regulatory authority for all pesticides registered and used for wildlife damage management. Several other sources of information for safety and training are available as well, including the OSU County Extension Offices and ODA Pesticides Division.

TECHNICAL ASSISTANCE

US DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service (APHIS), Wildlife Services (USDA/WS)

David E. Williams
6135 NE 80th, Suite A-8
Portland, OR 97218
Phone _____ 503-326-2346
Web _____ <http://www.aphis.usda.gov/ws>

Pesticide registration

OREGON DEPARTMENT OF AGRICULTURE

Pesticides Division

635 Capitol St. NE
Salem, OR 97301-2532
Phone _____ 503-986-4635
Web _____ <http://oregon.gov/ODA/PEST>

Fireworks permits

OREGON OFFICE OF THE STATE FIRE MARSHAL

Bureau of Hazardous Materials

Phone _____ 503-378-2885
Permits to take game animals causing agricultural damage

OREGON DEPARTMENT OF FISH AND WILDLIFE

3406 Cherry Ave. NE
Salem, OR 97303
Phone _____ 503-947-6000
Fax _____ 503-947-6009
E-mail _____ odfw.info@state.or.us
Web _____ <http://www.dfw.state.or.us>

ENERGY AND AGRICULTURE

Major opportunities exist for Oregon agriculture in the fields of renewable energy and energy efficiency. Oregon farms and ranches create many potential feedstocks to generate energy and fuels, and can also develop energy facilities such as solar-powered systems, wind turbines, small hydropower facilities, and geothermal systems. A variety of tools and practices are available to producers to reduce energy use and costs. Technologies and incentives for renewable energy and energy conservation are improving. See the ODA's Web site for more information about these opportunities: <http://oregon.gov/ODA/energy.shtml>

25 X '25

25 x '25 is a broad coalition of business, conservation, and government representatives who share the following vision: by 2025, America's farms, forests and ranches will provide 25 percent of the total energy consumed in the United States, while continuing to produce safe, abundant, and affordable food, feed, and fiber. The Oregon Department of Agriculture supports and shares the 25 X '25 vision. To find out more, visit <http://www.25x25.org>.

ENERGY EFFICIENCY

As fuel and power costs rise, most growers are exploring opportunities to save energy. A variety of programs and technologies are available to reduce energy use for different components of agricultural operations. No-till or reduced tillage offers fuel savings in addition to benefits to soil quality. Precision farming equipment can reduce both fuel and fertilizer use. In addition to changing to more efficient irrigation equipment, minor management strategies such as frequent nozzle inspection and replacement can help reduce energy use from irrigation. Livestock buildings, agricultural processing facilities, and greenhouses can save significantly by replacing lighting, switching to more efficient heating and cooling systems, and other strategies.

BIOMASS AND BIOFUELS

A variety of agricultural crops and by-products can generate heat, electricity, and fuel. Oilseed crops can be crushed and converted to biodiesel, and corn can be processed to produce ethanol. Several biofuel companies and researchers are refining technologies to produce cellulosic ethanol from materials such as grass straw, poplar, and biosolids. Livestock manure and food processing by-products can be used in methane digesters. Wood waste from nursery clippings, poplar, juniper, and forest slash materials can power boilers to generate heat and electricity.

SOLAR ENERGY

Solar energy systems work well across Oregon, which receives as much sun as the national average. Photovoltaic (PV) systems generate electricity for a variety of home and business uses. In agriculture, growers may be able to use PV systems to power pumps for irrigation and livestock watering, supply electricity to buildings, heat water, and charge electric fencing. "Passive solar" buildings can also be designed to maximize heating with solar energy.

HYDROPOWER

Small hydroelectric or micro-hydro systems may be installed in irrigation ditches as well as streams. Water may be diverted by pipe (called a penstock) or channel to a turbine, generating electricity. Small hydro projects are generally

highly efficient once installed. The permitting process to install small hydro projects has been streamlined for many cases, but it still can be fairly extensive compared with other types of renewable energy.

WIND

Oregon farms and ranches host large-scale wind power developments, and can also use smaller wind turbines to supply power to their own operations. Turbine output depends heavily on wind speeds, both at your site and at the specific height of the turbine. Wind power is generally economical only if your site has an average wind speed of 10 miles per hour or more. Several Web sites can help you determine if wind power may be an option at your operation:

- 3 Tier Group <http://firstlook.3tiergroup.com>
- The National Renewable Energy Laboratory has wind speed maps at http://www.nrel.gov/wind/resource_assessment.html
- AWS True Wind <http://www.awstruewind.com/maps/united-states.cfm/region/46702>

GEOHERMAL

Some regions of Oregon have sufficient geothermal resources to provide heat and power to a farm or ranch. Geothermal wells deliver steam or hot water to the ground surface, which can be used for heating or electricity generation. Examples of agricultural uses of geothermal energy include heating greenhouses, heating processing water, or heating a fruit or vegetable drying facility.

Geothermal resources exist in parts of central, eastern, and southern Oregon. The Oregon Institute of Technology has a list of known geothermal resources at <http://geoheat.oit.edu/oregon.htm>.

INCENTIVES FOR ENERGY PROJECTS

Oregon's Business Energy Tax Credit provides a 35 percent credit for energy and fuel conservation projects, and a 50 percent credit for renewable energy projects. You must apply in advance for this credit and, if you are depending on the credit to make your project financially viable, receive pre-certification by the Oregon Department of Energy. The application is available at <http://oregon.gov/ENERGY/CONS/BUS/BETC.shtml>

The Energy Trust of Oregon provides incentives and support to help businesses install qualified energy efficient equipment and install certain renewable energy projects. Oregon customers of Pacific Power, Portland General Electric, NW Natural Gas, and Cascade Natural Gas are eligible for efficiency projects. Oregon customers of

Pacific Power and Portland General Electric are eligible for renewable energy projects connected to the Pacific Power or PGE power grid. For more information, call Energy Trust toll-free at 1-866-368-7878 or visit <http://www.energytrust.org>

The USDA Rural Development Agency's Rural Energy for America Program offers competitive grants for up to 25 percent of the costs of energy efficiency and renewable projects, as well as guaranteed loans for up to 50 percent of project costs. For more information, contact the USDA Rural Development office at 503-414-3366 in Portland or in Pendleton at 541-278-8049 x129, or go to <http://www.rurdev.usda.gov/or/energy.htm>

Oregon's biomass credit offers per-unit incentives for biopower and biofuel feedstocks. To claim the credit, you must collect and retain documentation that proves the material was sold to a biofuel or biomass processing facility in Oregon. The following table lists the incentives by material.

Material	Credit	Amount
Oilseed crops	\$.05	per pound
Grain crops (excluding corn, and wheat is eligible after 1/1/09)	\$.90	per bushel
Virgin oil or alcohol processed from Oregon-based feedstock	\$.10	per gallon
Used cooking oil or waste grease	\$.10	per gallon
Woody biomass collected from nursery, orchard, agricultural, forest or rangeland property in Oregon, including but not limited to prunings, thinning, plantation rotations, log landing or slash resulting from harvest or forest health stewardship	\$10.00	per green ton
Grass, wheat, straw or other vegetative biomass from agricultural crops	\$10.00	per green ton
Yard debris and municipally generated food waste	\$5.00	per ton
Animal manure or rendering offal	\$5.00	per wet ton

The Oregon Department of Energy offers loans for renewable energy and energy efficiency projects, as well as use of recycled materials to create products and projects that use alternative fuels. Loan amounts typically range from \$20,000 to \$20,000,000. More information is available on the Oregon Department of Energy Web site at <http://oregon.gov/ENERGY/LOANS/selphm.shtml>

A variety of federal tax credits are available for energy efficiency and renewable energy projects. For example, there is a 30 percent federal investment tax credit for solar

projects. For more information, visit <http://www.dsireusa.org> and click on “federal incentives.”

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF ENERGY

Web _____ <http://oregon.gov/ENERGY>

OREGON DEPARTMENT OF AGRICULTURE

Energy and agriculture

Stephanie Page

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4565

Web _____ <http://oregon.gov/ODA/energy.shtml>

25 X '25

For inquiries regarding agricultural, forestry and conservation sector involvement, please contact

Ernie Shea

Email _____ eshea@25x25.org

Web _____ <http://www.25x25.org>

EXCLUSIVE FARM USE (EFU) ZONES AND PERMITTED NON-FARM USES

Oregon law establishes the following statewide policy for use of agricultural land (ORS 215.243):

- Open land used for agriculture is a vital natural and economic asset for all the people of the state.
- Preservation of a maximum amount of agricultural land, in large blocks, is necessary to maintain the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food.
- Expansion of urban development in rural areas is a public concern because of the conflicts between farm and urban activities.
- Incentives and privileges are justified to owners of land in exclusive farm use zones because such zoning substantially limits alternatives to the use of rural lands.

Statewide Planning Goal 3, “Agricultural Lands” requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use zones. Local counties are responsible for planning and zoning, subject to approval by the Oregon Department of Land Conservation and Development (DLCD). Allowable non-farm uses are incorporated into local zoning regulations.

DEFINITION FARM USE (ORS 215.203)

Farm use means the current employment of land primarily for obtaining a monetary profit by raising, harvesting, and selling crops; feeding, breeding, managing and selling livestock, poultry, fur-bearing animals, and honeybees; dairying; or any other agricultural or horticultural use. Farm use also includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. The definition includes land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; land planted in orchards or other perennials prior to maturity; any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land classified for farm use; dry or water covered wasteland in or adjacent to land in farm use; land under dwellings or buildings supporting farm practices; or land used for processing crops from the farm into biofuels to be used on the farm or neighboring farms. Farm use also includes the stabling or training of equines (horses, mules, etc.) along with riding lessons and training clinics; the propagation, cultivation, maintenance and harvesting of aquatic, bird or animal species as allowed by the state Fish and Wildlife Commission. Farm use does not include land subject to timber assessment under ORS Chapter 321, except for Christmas trees and poplar farms.

ELIGIBILITY FOR SPECIAL TAX USE ZONING

To be eligible for preferential farm value, the land must be employed in a farm use as described in ORS 308A.056. For lands located outside an exclusive farm use zone, the landowner must file an application with the county assessor by April 1 of the first year in which such assessment is desired. Applications for farm use special assessment are only necessary in non-EFU zones.

Note: Refer to the “Property Tax Special Assessment” section of this handbook for more information.

LIMITATION ON RESTRICTIONS BY GOVERNING BODIES

No state agency, city, county, or political subdivision may enact local laws or ordinances, restrictions or regulations that would restrict or regulate farm structures or accepted farming practices because of noise, dust, odor, or other materials carried in the air, arising from farm operations in farm use zones, that do not extend into an adopted urban growth boundary, unless the practice affects the health, safety and welfare of the citizens of the state. (ORS 215.253)

NUISANCE COMPLAINTS

State law requires a county governing body or its designate to apply a condition of approval of a single-family dwelling, that the landowner of the dwelling sign a statement declaring that the landowner will not complain about accepted farming or forest practices on nearby lands devoted to farm or forest use (ORS 215.293). Farm operators may want to contact their county planning department regarding this requirement if nuisance complaints are increasing as a result of new single-family dwellings near exclusive-use farm land. Additionally, the 1993 Oregon Legislature passed “right-to-farm” provisions (see Chapter 792, Oregon Laws 1993. ORS 30.930-30.947), which protect acceptable farming practices from nuisance suits. Contact the Oregon Department of Agriculture (Jim Johnson, 503-986-4706) for information on the right-to-farm law.

Another option for resolving nuisance complaints is mediation. Contact the Oregon Department of Agriculture Farm Mediation Program (800-347-7028) to discuss this alternative. Mediation is a voluntary process involving a third-party mediator who facilitates discussions and seeks potential resolutions to the disputes of the parties.

Note: For more information see the “Farm Mediation Program” section of this handbook.

PERMITTED NON-FARM USES ON EFU LAND (ORS CHAPTER 215)

All rural landowners should contact their county planning department prior to siting or building any structure or starting any non-farm use activity. Non-farm uses require prior approval by the respective county. Fines may be levied by the county if prior approval is not obtained.

Certain non-farm uses may be allowed, and their approval standards are incorporated into local zoning regulations; additional approval standards may apply to non-farm use on high value farmland.

Technical variations exist between counties, so contact your county planning department or Department of Land Conservation and Development (DLCD), 503-373-0050, for details. The following types of non-farm uses are generally allowed in exclusive farm use zones except that some uses (*) are not allowed on “high value” farmland (ORS 215.710):

- public or private schools*
- forest product propagation and harvesting
- dwelling for farm use
- farm buildings
- farm stands
- mineral exploration and mining
- farm-worker housing

- land based application of reclaimed water for farm use
- winery
- private playgrounds or campgrounds*
- dog kennels*
- Room and board services (five guest limit) in existing residences
- home occupations including bed and breakfasts
- commercial activities in conjunction with farm use including biofuels
- churches and cemeteries*
- utility service
- geothermal exploration or production
- community centers for rural communities
- replacement of an existing dwelling
- landscaping business in conjunction with a nursery
- guest ranches in Eastern Oregon
- siting for solid waste disposal*
- creation or restoration of wetlands
- private hunting and fishing preserves*
- golf courses*
- small scale crop processing facility including biofuels.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

Phone _____ 503-373-0050

Fax _____ 503-378-6033

Web _____ <http://www.lcd.state.or.us>

DLCD REGIONAL REPRESENTATIVES

Clackamas, Columbia, Marion, Multnomah, Polk, Washington and Yamhill counties

Gary Fish _____ 503-373-0050 ext. 254

Benton, Lane, and Linn counties

Ed Moore _____ 541-686-7807

South Coast

Dave Perry _____ 541-563-2056

North Coast

Laren Wooley _____ 541-563-3745

Central

Jon Jinings _____ 541-388-6424

Eastern Oregon

Grant Young _____ 541-663-1343

Southern Oregon

Jon Renz _____ 541-858-3189

Farm and forest land specialist

Katherine Daniels _____ 503-373-0050 ext. 329

FARM MEDIATION PROGRAM

WHAT IS MEDIATION?

Farming and ranching are getting more complicated. Many of the challenges facing producers involve issues that affect other parties.

Mediation offers a way to bring people together to resolve differences outside the courtroom. This is one of the most beneficial things about mediation—bringing all interested parties to the table at the same time—saving everyone time and money. Mediation is conducted by trained, professional mediators who know how to help people resolve problems.

WHEN TO CONSIDER MEDIATION

If you are having problems with any of the following types of disputes, mediation may be a way to resolve the situation:

- nuisance complaints
- boundary disputes
- trespass situations
- labor or wage disputes
- sales agreements
- landlord or tenant issues
- contracts
- multiple party agreements
- partnership dissolution
- family farm transfers.

WHAT DOES IT COST?

The Oregon Farm Mediation Program provides professional mediators for agricultural and rural disputes at \$30 per hour, per party.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

Farm Mediation Program

Brent Searle

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 800-347-7028

Web _____ <http://oregon.gov/ODA/mediation.shtml>

FARM SCALES

WHO MUST COMPLY?

Owners or operators of farm scales used for commercial purposes (buying, selling, or processing commodities by weight, and using those weights to determine charges or payments), in Oregon, must obtain an annual scale license from the Oregon Department of Agriculture's Measurement Standards Division, as provided for by ORS 618.121. In basic terms, whenever money, credit, or something of value changes hands based on the reading of a farm or ranch scale, that scale is being used commercially in Oregon. This applies to the sale of commodities, supplies, produce, livestock, etc., or to the custom cleaning or processing by weight of any such items.

TYPES OF FARM SCALES COVERED

The licensing requirement applies to any and all types of weighing devices or scales used on a farm for commercial purposes. Types of scales include (but are not limited to)

- roadside stand produce scales, ranging from
 - » retail price computing electronic scales.
 - » hanging platter/bin dial or digital scales.
 - » bench dial.
 - » mechanical drum computing scales.
 - » portable platform beam or dial scales.
 - » fan, dial or digital candy-type scales.
 - » electronic bar code scanner scales.
- feed, seed, or fertilizer scales
 - » portable platform scales.
 - » platform or dormant scales.
 - » hopper scales.
 - » tank or truck mounted scales.
 - » crane hook or hanging scales.
 - » lift truck mounted scales.
- livestock and animal scales
 - » single animal scales.
 - » platform scales.
 - » ring scales.
- truck scales
 - » short (24-foot) wagon scales.
 - » 2-5 section (25-60 feet) truck scales.
 - » 5+ section (61-120 feet) truck scales.
 - » specialty scales.
 - » meat beam or monorail scales.
 - » bagging scales.
 - » prepackaging scales.
 - » continuous weighing systems.

EXEMPTIONS

Scales that are located on a farm or ranch but are not used for any commercial purpose are not covered by licensing requirements.

LICENSING PERIOD

The annual license period for scales and weighing devices in Oregon is July 1 through June 30 of the following year. Scales are to be licensed prior to use. Annual renewal notices are mailed out each year in mid-May, preceding their June 30 expiration date. Farm or ranch scales licensed for use beginning other than July 1, pay the full annual license fee. There is no prorating of fees for scales licensed midyear, since the cost of official field certification remains the same.

PENALTY FEE FOR DELINQUENT RENEWALS

ORS 561.300 provides for the Oregon Department of Agriculture to collect a delinquent renewal penalty fee if the licensee fails to renew the license before the 60th day after the license expiration date. Renewals cannot be processed until delinquent fees are paid.

SCALE LICENSE FEE AMOUNTS

Annual scale license fees are based on the scale manufacturer's rated weighing capacity of the system, not a lesser "used" amount.

Rated capacity	Current fee	Fee effective	
		7/1/2009	
0 to 400 pounds capacity	\$ 37	\$ 39	
401 to 1,160 pounds capacity	\$ 76	\$ 80	
1,161 to 7,500 pounds capacity	\$ 153	\$ 161	
7,501 to 60,000 pounds capacity	\$ 230	\$ 242	
over 60,000 pounds capacity	\$ 230	\$ 242	
under 10 tons per hour*	\$ 290	\$ 304	
10 to 150 tons per hour*	\$ 450	\$ 473	
151 to 1,000 tons per hour*	\$ 900	\$ 946	
over 1,000 tons per hour*	\$ 2,000	\$ 2,101	

* Continuous weighing systems.

OFFICIAL CERTIFICATION

Currently licensed farm and ranch scales are audited and certified by the department's inspectors on a periodic basis. For most scales, that is normally within a 12-18 month interval. Seasonally used scales are normally audited and certified just prior to the season when they are used. Scales that are licensed, suitable for their intended use, correctly installed, properly maintained, and accurate, will be certified and receive an examination seal when inspected and tested by a department inspector.

All scales approved for commercial use in Oregon must meet National Institute of Standards and Technology Handbook 44 requirements for commercial weighing and must have an active National Type Evaluation Program (NTEP) Certificate of Conformance unless other/wise exempted. In addition, any device put into commercial use must be licensed and must have a "Placed in Service" report filed with the Measurement Standards Division. "Not-legal-for-trade" weighing devices are not intended by their manufacturers to be used commercially and cannot be accepted in Oregon.

The necessary test equipment and standards to perform adequate performance tests of all scales are not continuously available in all parts of Oregon all months of the year. Scales that cannot be certified when the appropriate agency equipment is in the area may have to wait until the next visit. If a scale test is required on a more frequent basis, such as to satisfy USDA Grain Inspection Service or Packers and Stockyards Administration requirements, the testing may be done by a qualified scale company, at the scale owner/operator's expense.

REPAIR OR REPLACEMENT

If a farm or ranch scale is tagged with a "repair notice order" or "stop use order" following an agency inspection, it will need to be corrected within the time specified. If it cannot be corrected within the time specified, or if it is not able to be repaired, it must be replaced or permanently taken out of service. Current scale licenses can be transferred to replacement devices.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

Measurement Standards Division

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4670

Fax _____ 503-986-4784

Web _____ <http://oregon.gov/ODA/MSD>

FEDERAL MOTOR CARRIER SAFETY REGULATIONS (FMCSR)

WHO MUST COMPLY?

The federal motor carrier safety regulations apply to farm operations if a commercial motor vehicle is used to transport property or passengers in interstate commerce. FMCSR also apply to anyone transporting migrant farm workers in interstate commerce.

DEFINITIONS

A commercial motor vehicle means

- a truck and/or trailer combination with a gross weight, GVWR or GCWR of 10,001 pounds or more.
- a vehicle of any size that is used to transport a hazardous material requiring placarding.
- a bus designed to transport more than 15 persons, including the driver.

Interstate commerce means

- to operate across state lines, including international boundaries.
- to operate wholly within a state as part of a through-movement that originates or terminates in another state or country.

The first requirement is to obtain a USDOT number, one per legal entity, and mark that on the vehicle(s) used in interstate commerce. You may obtain a USDOT number for free on the Internet at <http://www.fmcsa.dot.gov/registration-licensing>.

The FMCSR has several parts, each covering a separate subject, including qualification of drivers, working and driving limitations for drivers, parts and accessories necessary for safe operation of vehicles, inspection of vehicles, repair and maintenance requirements for vehicles, specific rules for transporting migrant farm workers (additional equipment and inspections are required for vehicles used to transport migrant farm workers (see the section on "Migrant and Seasonal Agricultural Worker Protection Act," and finally, driving and parking rules while transporting hazardous materials.

Additionally, under some circumstances a commercial drivers license (CDL) and drug and alcohol testing may be required. Anyone who operates a CMV over 10,000 pounds in interstate commerce must have a valid medical card in his/her possession that meets USDOT requirements.

TECHNICAL ASSISTANCE

US DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

530 Center St. NE, Suite 100

Salem, OR 97301

Phone _____ 503 399-5775

Fax _____ 503 399-5838

Web _____ <http://www.fmcsa.dot.gov>

USDOT number registration

Web _____ <http://www.fmcsa.dot.gov/registration-licensing>

Safety status by USDOT number

Web _____ <http://www.safer.fmcsa.dot.gov/>

Education and Technical assistance

Web <http://www.fmcsa.dot.gov/safety-security/eta/index.htm>

FIELD BURNING

WHO MUST COMPLY?

In the Willamette Valley of Western Oregon, permission to field/stack/propane burn grass seed and cereal grain crop residue must be obtained from the Oregon Department of Agriculture (ODA). Each grower is required to preregister all acreage to be burned with the ODA Smoke Management Program through a designated permit agent for his/her area. A permit to burn must be obtained from the same permit agent. If a grower is new to the program, he/she may call the registration and permitting coordinator for the Smoke Management Program (503-986-4701) to receive the name of his/her permit agent. It is the responsibility of the grower to notify his/her local fire department of any burning desired to be done.

ODA issues the daily burn advisories between June 16 and September 30; during other times of the year the burn advisories are issued by the Oregon Department of Forestry. The Oregon Legislature has historically recognized open burning as one viable way for the grass seed industry to ensure a healthy crop. In recent years, the burning of grass seed and cereal grain crop residues has been regulated under a smoke management program to control burning according to prevailing meteorological dispersion conditions to accommodate a maximum amount of burning with minimal impact on the public.

Current law regulating field burning can be found in ORS 468, and administrative rules 603-077-0101 through 603-077-0195.

COMPLIANCE

Grass seed growers must

- register each field and pay appropriate fees.
- obtain burn permits from their local permit agent.
- notify their local fire district of intent to burn.
- monitor the smoke management radio network for authorization or prohibition of burning.
- burn only specific fields and at specific times as identified by ODA.
- do any special preparation required for the burn.
- have proper fire fighting equipment on site prior to burning.
- execute burning in a timely manner.
- extinguish fires when directed by ODA.

RECORD KEEPING

ODA keeps records of registration, mapping of registered acreage, issuance of burn permits, weekly burn reports, receipt and processing of fees, meteorological conditions and authorizations or prohibitions. Growers are required to present burn permit validation numbers upon request by ODA.

SAFETY AND TRAINING

Each grower must prepare proper firebreaks prior to burning and have required fire-fighting equipment on site. Growers should be familiar with smoke management rules and regulations, and state fire marshal rules and regulations on open field, propane flaming, and stack burning. Sinage and flaggers, warning motorists of possible smoke on roadways, may be required.

INSPECTIONS

ODA carries out field inspections to detect illegal burning. ODA conducts enforcement through seasonal inspectors using on-site visits, document review, and investigating complaints. Violations may involve verbal or written warning or civil penalties with a range from \$25 to \$100,000 depending on the severity of the violation.

FEES

Registration fee schedule

\$2.00 per acre for open field burning

\$1.00 per acre for propane flaming

No fee to register stack burning

Burn fee schedule

\$8.00 per acre for open field burning

\$2.00 per acre for propane flaming

\$10.00 per acre for stack burning

TECHNICAL ASSISTANCE

Questions regarding rule interpretation, fire safety buffer zone inspections, problem resolution, and information on tax credits available for field burning alternatives can be directed to the Smoke Management Program, Oregon Department of Agriculture.

OREGON DEPARTMENT OF AGRICULTURE

Smoke Management Program

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4701

OREGON SEED COUNCIL

1193 Royvonne S, Suite 11

Salem, OR 97302-1932

Phone _____ 503-585-1157

OFFICE OF THE STATE FIRE MARSHAL

4760 Portland Road NE

Salem, OR 97305-1540

Phone _____ 503-378-3473

OREGON STATE UNIVERSITY

Crop and Soil Science Department

Crop Science Building, Room 107

Corvallis, OR 97331-3002

Phone _____ 541-737-2821

GRANTS AND FINANCIAL RESOURCES FOR PRODUCERS AND AGRIBUSINESS

Grants are highly competitive and require a well-planned and researched concept. Grants for general agricultural production do not exist. Most grants or financial programs provide incentives for specific types of production activities (field testing new technologies or conservation related practices, for example). Grants may fund development of new products and markets or employment of new technologies (energy conservation or renewable energy generation tax credits, for example). Many grants require matching funds.

Grants are cyclical; they come and go in funding cycles. The Oregon Department of Agriculture (ODA) grant Web page lists several agriculture-related grants and financial resources.

Pay attention to the funding cycle of the grant. Grant notices may stay on the Web site even though the application period may be expired. This will allow you to learn of the grant, see the requirements and specific criteria, and prepare for the next round of competition if it is something that fits your situation. Please note that ODA does not administer most of these grants.

TECHNICAL ASSISTANCE

Information on grants, tax credits, and business assistance

Web _____ <http://oregon.gov/ODA/grants.shtml>

OREGON CENTURY FARM & RANCH PROGRAM

BACKGROUND

The Century Farm & Ranch Program started in 1958, on the eve of the Statehood Centennial Celebration, to honor farm and ranch families who have century-long connections to the land and to recognize Oregon's rich agricultural heritage.

The program is a project of the Oregon Agricultural Education Foundation and partially funded through a partnership with the Oregon Farm Bureau, the Oregon Department of Parks and Recreation, and the Oregon Historical Society, with additional support from the Oregon Department of Agriculture, various county farm bureaus, agricultural associations, agri-businesses and individuals. All applications are added to the Oregon Historical Society Library and are available to researchers and others by appointment. Successful applicants receive a special certificate, acknowledged by the governor and signed by the director of the Oregon Department of Agriculture. A colorful roadside sign, identifying the family century farm or century ranch is also available. In 2007, the program introduced a sesquicentennial award to honor families who have sustained their family farms or ranches for 150 years or more. The first sesquicentennial awards were given to 14 families on Oregon's Statehood Day, February 14, 2008. For further information or to request an application for the sesquicentennial award, please contact the Century Farm & Ranch program coordinator.

QUALIFICATIONS FOR CENTURY FARM OR RANCH

1. Only the legal owner(s) of the property may apply for the Century Farm or Century Ranch honor.
2. Your farm or ranch must have been operated continuously in the same family for 100 years or more. A farm or ranch settled any time 100 years ago or earlier will be eligible if it meets other requirements.
3. The farm or ranch must have a gross income from farming or ranching activities of not less than \$1,000 per year for three out of the five years immediately preceding the application.
4. You must live on the farm or ranch, or if you live off the property, you must actively manage and direct the farming or ranching activity on the land. If the entire

farm or ranch has ever been rented or leased, it may not qualify.

5. The line of ownership from the original settler or buyer may be through children, siblings, or nephews and nieces. Adopted children will be recognized equally with other descendants.
6. Applications must be submitted on official forms provided by the Century Farm & Ranch Program with all questions completed. Applicants must submit additional descriptive information on other family history details not specifically requested in the application (two or three pages of narrative). Copies of historical photographs are encouraged. All information, including photos, will be deposited in the OHS Library for future reference.
7. Applications must include verification of continuous ownership for 100 years. Acceptable forms of proof include a document (either original or photocopy) showing date of earliest ownership. This may be provided through a donation land claim, deed of sale, or homestead certificate. Other records, subject to review, include family Bible, diary entry, or correspondence.
8. Applications must be signed and certified by a notary public.
9. Deadline for returning applications is June 1 of the current year. All applications postmarked by midnight of that date will be considered.

FEES FOR CENTURY FARM OR RANCH

A \$65 non-refundable fee is required with each application. This fee covers administrative costs and includes one certificate. Additional certificates may be ordered at the time of application @\$20 each. Make checks payable to Oregon Agricultural Education Foundation or OAEF.

TECHNICAL ASSISTANCE**CENTURY FARM & RANCH PROGRAM**

Glenn Mason, program coordinator

8890 NW Ash St.

Portland, OR 97229

Phone _____ 503-297-5892

E-mail _____ orcentury@juno.com

Web _____ <http://oregon.gov/ODA/cfr.shtml>

**OREGON AGRICULTURAL EDUCATION
FOUNDATION**

Janice Reed, director

Phone _____ 503-399-1701

E-mail _____ janice@oregonfb.org

RIGHT-TO-FARM

OVERVIEW

1993 legislation, updated in 1995 and 2001, declares farm and forest practices as critical to the welfare of the Oregon economy, and establishes a right-to-farm law. This law limits the rights of individuals, local governments, and special districts from bringing court actions or administratively declaring certain farm and forest products to be nuisances or trespass (ORS 30.930).

PROTECTED LAND

No farming or forest practice on lands zoned for farm or forest use shall give rise to any private right of action or claim for relief based upon nuisance or trespass. "Pre-existing nonconforming (farm or forest) uses" are also afforded this protection provided that the farming or forest use existed before the conflicting non-farm or non-forest use of the real property that gave rise to the claim and provided that the pre-existing nonconforming farming or forest practice has "not significantly increased in size or intensity from November 4, 1993."

Right-to-farm protection is not afforded claims based on

- damage to commercial agricultural products.
- death or serious injury.

PROTECTED PRACTICES

Protected practices include farming or forest practices that

- are or may be used on a farm or forestland of similar nature.
- are generally accepted reasonable and prudent methods for the operation to obtain profit in money.
- comply with applicable law.
- are performed in a reasonable manner.

The lawful and proper use of pesticides is considered a protected farming or forest practice.

The law also provides protection for the movement of farm vehicles and livestock on public roads.

In the case of forest land activities, the following are covered (other acceptable practices may be included as well):

- site preparation
- timber harvest
- slash disposal
- road construction and maintenance
- tree planting
- thinning
- release
- fertilization
- annual damage control
- insect disease control

- pesticide use.

Local government and special district ordinances and regulations now in effect or subsequently adopted which are contrary to this law are invalid. In any legal action alleging nuisance or trespass arising from a practice alleged by either side as a farm or forest practice, the prevailing party is awarded attorney fees and costs at the trial and on appeal.

Complainants may want to consider the Oregon Department of Agriculture's Farm Mediation Program before filing any legal action. Call 503-986-4558 or 800-347-7028 for information about the mediation program. Parties are encouraged to talk with legal counsel on the interpretation of the statute.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

Land use

Jim Johnson 503-986-4706

Farm Mediation Program

Brent Searle 503-986-4558 or 800-347-7028

STATE OPERATOR LICENSE AND FARM VEHICLE REGISTRATION

WHO MUST COMPLY?

An operator license or driver license is required by anyone operating a motorized vehicle on a public highway. An operator license is not required to temporarily operate a farm tractor or an implement of husbandry.

LICENSE

Farmers who operate vehicles designed to carry 16 or more passengers, including the driver, must have a CDL. A commercial driver license (CDL) or farm endorsement (FE) is required for farmers driving vehicles that exceed 26,000 pounds or vehicles carrying hazardous materials. These requirements also apply to combinations of vehicles that exceed 26,000 pounds (Gross Combination Weight Rating), if the trailer has a Gross Vehicle Weight Rating over 10,000 pounds. An FE permits a person to drive a vehicle exceeding 26,000 pounds or to haul hazardous materials without a CDL, provided the vehicle:

- is used to transport agricultural products, farm machinery, or farm supplies to or from a farm;
- is controlled or operated by the farmer;
- is operated in Oregon or Idaho and within 150 miles of the farm; and.
- is not used in the operation of a common carrier.

A safety certification course must be completed by minors between 16 and 18 years of age before operating farm

machinery. (See the section on “Employing minors” for more information.) A driver of a farm vehicle over 80,000 pounds must obtain a CDL and comply with all the requirements of the federal motor carrier safety regulations as applicable.

Contact customer assistance, Oregon Department of Transportation, Driver and Motor Vehicle Services, 503-945-5000, regarding farm endorsements on driver licenses.

VEHICLE REGISTRATION

Farmers may choose to register vehicles over 10,000 pounds with truck registration, with farm registration, or register on a proportional basis, if the farm registered vehicle is going to be operated in more than one state. Farm registered vehicles are exempt from Oregon weight-mile tax when the vehicle is used for farm or personal purposes. Hauling for hire, with few exceptions, requires a 1A permit. For-hire operations over 26,000 pounds require payment of weight-mile tax. For more information regarding farm vehicle registration, contact the ODOT farm registration desk at 503-378-5203, or visit <http://oregon.gov/ODOT/MCT/FARM.shtml>.

INSPECTIONS

Farm vehicles up to 80,000 pounds are exempt from ODOT, MCTD safety requirements. Farm trucks over 20,000 pounds are required to stop at weigh stations.

HAULING HAZARDOUS MATERIALS

Many farms use and transport hazardous materials. The federal hazardous materials table specifies which materials, and quantities of materials, are deemed hazardous. Contact the US Department of Transportation, Federal Motor Carrier Safety Administration, 503-399-5775, for a listing of hazardous materials. Vehicles hauling hazardous materials, and operated by a farmer within 150 air miles his or her farm, must be properly placarded with warning signs on the container labels and the vehicle. No endorsement is required. Vehicle operators hauling hazardous materials more than 150 air miles from the farm of origin are required to have a CDL and proper endorsement.

The person who loads the vehicle must place the placards on the front, rear, and both sides of the vehicle. Hazardous materials drivers also must know which products they can load together and which products must be loaded separately.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF TRANSPORTATION

Motor Carrier Transportation Division

550 Capitol St. NE

Salem OR 97301-2530

Phone _____ 503-378-5849

Web _____ <http://oregon.gov/ODOT>

Farm endorsements on driver licenses

Driver and Motor Vehicle Services

Phone _____ 503-945-5000