

New application submitted for Easterday Dairy

By **GEORGE PLAVEN**
Capital Press

BOARDMAN, Ore. — Plans to reopen Oregon's second-largest dairy are back on the table, with a third owner at the helm.

The Oregon Department of Agriculture has received a new application from Cole Easterday to operate the dairy near Boardman. Cole's father, Cody Easterday, was forced to withdraw his application on July 15.

It is the latest development for the property formerly known as Lost Valley Farm, which opened in 2018 and closed less than a year later due to repeated violations of its Confined Animal Feeding Operation, or CAFO, permit.

Former owner Greg te Velde eventually declared bankruptcy and the site was sold in 2019 to the Easterday family, which ran several farming businesses around Pasco, Wash.

However, Cody Easterday ran into legal troubles of

his own and pleaded guilty earlier this year to defrauding Tyson Foods in a "ghost cattle" scheme, selling more than 200,000 animals that existed only on paper.

He agreed to pay \$244 million in restitution and faces up to 20 years in prison for felony wire fraud. Sentencing is scheduled for Oct. 5.

Meanwhile, both Easterday Farms and Easterday Ranches have filed for bankruptcy, and Cody Easterday's sons — Cole, Clay and Cutter — purchased controlling interest in the family's dairy business, known as Easterday Dairy LLC.

Since Cody Easterday is no longer listed as the dairy's operator, ODA required Cole Easterday to submit a new CAFO permit application subject to the agency's review.

The new application is similar to the old. It calls for 28,300 total animals, including 9,700 mature dairy cows, 8,600 dairy heifers and 10,000 non-dairy cattle.



EO Media Group File

The former Lost Valley Farm outside Boardman, Ore., which Cole Easterday proposes to reopen.

Liquid manure will be stored in open-air lagoons for up to 111 days each year, with a capacity of 86.8 million gallons, and solid manure will be kept year-round on an impervious soil pad.

The dairy also plans to recycle manure and processed wastewater to grow crops on 5,390 acres of farmland, mixed at agronomic rates to avoid groundwater contamination.

Nitrate concerns

However, ODA has issued a water quality advisory for the property after

tests showed soil nitrate levels could potentially migrate into the groundwater.

As part of the original purchase agreement, Cody Easterday agreed to clean up the property under ODA supervision. Under te Velde's ownership, Lost Valley Farm had racked up 200-plus violations of its CAFO permit related to manure and wastewater management.

One condition of the cleanup permit includes ongoing soil testing to monitor for nitrates, which at elevated levels can impact human health.

The proposed dairy is located within the Lower Umatilla Basin Groundwater Management Area, designated by the Oregon Department of Environmental Quality in 1990 for having elevated levels of groundwater nitrates.

While no animals are currently allowed on site, Cody Easterday had been growing potatoes and other vegetables at the dairy while awaiting the outcome of his CAFO permit application, according to ODA.

The agency stated in a news release that it issues water quality advisories "when there is a risk of violating permit conditions, and is a proactive notification to alert the owner-operator that steps must be taken to prevent violations."

Another condition of the dairy cleanup requires the Easterdays to monitor each of 11 groundwater wells every quarter.

During the most recent

round of testing, ODA reported that one of the wells exceeded the allowed level of nitrates.

"ODA is advising the operator on how to reduce nitrate levels," the agency stated, adding regulators will now require monthly well tests and reduced applications of nitrogen fertilizer and irrigation water on crop circles closest to the affected well.

Cole Easterday did not immediately return a message seeking comment.

A coalition of environmental groups continues to oppose the project, and urged ODA and Gov. Kate Brown to reject the Easterday permit.

"No matter who the applicant is, Easterday Dairy will produce dangerous methane emissions, hijack scarce groundwater resources, and pollute the air and water of frontline communities already struggling with the impacts of the pandemic," said coalition organizer Kristina Beggen.

Court denies challenge to Proposition 12

By **CAROL RYAN DUMAS**
Capital Press

The 9th U.S. Circuit Court of Appeals has denied a joint complaint by the National Pork Producers Council and American Farm Bureau Federation challenging California's Proposition 12.

Approved by California voters in 2018, Prop 12 establishes minimum space requirements for breeding pigs, calves raised for veal and egg-laying hens within the state. It also bans the sale of pork, veal and eggs from animals raised elsewhere if their living conditions don't meet California's standards.

National Pork Producers Council and Farm Bureau sued the California Department of Food and Agriculture on the grounds that Prop 12 violates the Commerce Clause of the Constitution by disrupting interstate trade.

They argued the measure compels out-of-state producers to change their operations to meet California's standard, impermissibly regulating extraterritorial conduct.

The court disagreed, saying Prop 12 does not dictate the price of product and does not tie the price of in-state products to out-of-state prices and does not violate the underlying principles of the Commerce Clause.

The court recognized the measure could have an indirect effect on how pork is produced and sold outside California but held that such upstream effects don't violate the Commerce Clause.

National Pork Producers Council states it is disappointed in the decision and is evaluating it and the organization's next steps.

Farm Bureau surveys members on drought response

By **CAROL RYAN DUMAS**
Capital Press

The intensifying drought across the West is forcing many farmers and ranchers to make tough choices — selling livestock and destroying crops, a new survey has found.

The American Farm Bureau Federation surveyed its state and county leaders and members in 11 western states and the Dakotas to gauge how they're managing.

The survey ended June 25 and received nearly 700 responses. States were given the options of filling out the survey on behalf of their members at the county, district or state level.

On average, selling portions of the herd or flock, increases in local feed costs and traveling long distances to acquire feed and forage were scored as prevalent or higher.

More than 85% rated selling off portions of their herd as prevalent or higher, and 87% of respondents said there's an increase in feed costs associated with drought in their area.

In addition, 77% of respondents said they reduced their acreage and see that as prevalent in their region.

Many respondents spoke of weaning animals earlier, reducing grazing time on rangeland, hauling water through mountain terrain and relocating herds across state lines, Farm Bureau reported.

One California rancher said he had to reduce his herd by 66% to deal with lack of feed and the huge transportation costs of hauling feed from out of state.

The Arizona Farm Bureau reported that all the ranchers it surveyed had either begun to liquidate



Associated Press File

Farm Bureau members say in a survey the drought has deeply impacted their farms and ranches.

or are planning to liquidate significant portions of their herds.

On the crop side, reduction of planted acreage and switching planned crops because of drought scored as moderately prevalent or higher.

Tilling under crops was the least prevalent issue, although results varied by state. Nevada reported tilling under as very prevalent, and New Mexico scored it as near zero.

Several respondents reported current and expected yields were down by more than 75% of normal, with examples of drilled forage grass failing to germinate, alfalfa ceasing growth after 4 inches and plants being com-

pletely dried out from low humidity.

Many producers of orchard trees have experienced die-offs, with one respondent reporting some farmers have bulldozed almond trees and others have pruned trees substantially or stripped fruit to save the trees due to expected shortfalls in water deliveries.

On a weighted average, reduced surface water deliveries scored near the very prevalent threshold, with increases in groundwater use

rated near prevalent.

One respondent reported starting well water pumping in mid-April as opposed to the normal start time in mid-July. Another reported the reservoir he uses for irrigation water storage was 58% of its normal level. Another reported trucking water to pasture — something his family has never had to do in 80 years of operation.

Hawaii rated reduced water deliveries as extremely prevalent. California, Colorado Nevada, Oregon and Utah scored

reduced water deliveries as very prevalent.

California, Nevada and New Mexico rated increased groundwater use as very prevalent. Oregon scored increased groundwater use as moderately prevalent.

Washington rated both reduced water deliveries and increased groundwater use as moderately prevalent.

Idaho rated reduced water deliveries as prevalent and increased groundwater use as moderately prevalent.

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