

## WDFW commission mulls ‘conservation first’ policy

By **DON JENKINS**  
Capital Press

Washington Fish and Wildlife commissioners are debating whether to declare that climate change, population growth and habitat loss have made traditional wildlife management obsolete. Commissioners Barbara Baker and Fred Koontz have proposed calling for the Department of Fish and Wildlife to put “conservation first” and “take precautionary approaches in turbulent times.”

“Status quo wildlife management has not kept pace with a rapidly changing world,” their proposal states.

The policy has been presented to the commission’s Big Tent Committee, one of several commission subcommittees, but has not been discussed by the full commission.

Fish and Wildlife Commissioner Kim Thornburn warned the policy would “weaponize” the word “conservation” into an “anti-consumptive preservationism.”

“It’s all about changing what we are and what we do,” she said in an interview Sept. 24. “There’s a lot of vague language. ... I’m worried it sets us up to challenges to traditional activities.”

Baker and Koontz said in separate interviews that the

policy would expand Fish and Wildlife’s outlook, not detract from its current work, including controlling problem wolves, cougars and bears.

“The idea is to broaden the mission, not to take away from hunting, angling and commercial fishing,” Koontz said. “My hope is the draft starts us on a discussion.”

Baker said she was surprised by Thornburn’s reaction. “There is no intent, diabolical or otherwise, to weaponize ‘conservation,’” she said. “This is a call of alarm that the resource is being imperiled.”

State law gives Fish and Wildlife its mandate. The law requires the department to maximize fishing and hunting opportunities, as long as fish and game animal populations are preserved.

Hunters Heritage Council President Mark Pidgeon said he was concerned about the conservation policy’s proposal to “safeguard the intrinsic values of non-human nature.”

“That is animal-rights speak if you’ve ever heard it,” Pidgeon said. “That totally redefines what the commission is.”

“I personally don’t think they can do this because it goes against the legislative mandate,” he said. “We’re going to mobilize and voice our opposition.”

## Judge stymies bid for Easterday feedlot

By **DON JENKINS**  
Capital Press

A federal judge in Yakima, Wash., on Sept. 23 blocked Tyson Fresh Meats from maneuvering in bankruptcy court to wrest the former Easterday cattle feedlot away from a competitor, Agri Beef.

Judge Whitman Holt said Tyson’s claim to the strategically located North Lot near Pasco, Wash., wasn’t frivolous, but it was uncertain whether undoing a \$16 million sale to Agri Beef would benefit Easterday’s creditors.

Tyson says it will pay \$25 million, a \$9 million windfall, but Holt said Tyson’s pursuit was likely to provoke lawsuits, with litigation possibly leaving less for creditors. “It’s at best a jump ball,” he said.

The ruling was a setback for Tyson’s bid to regain use of a feedlot near its beef processing plant in Eastern Washington. Tyson declined to comment.

Idaho-based Agri Beef, which also has an Eastern Washington beef plant, bought the lot in January from Cody Easterday shortly after Tyson discovered it was being billed by Easterday to buy and feed non-existent cattle.

Easterday pleaded guilty to one count of wire fraud and promised to pay Tyson \$233 million in restitution.



Matthew Weaver/Capital Press

**The feedlot in Pasco, Wash., that Cody Easterday sold to Agri Beef. A judge Sept. 22 denied a motion by Tyson Fresh Meats that would have given it a chance to pursue the feedlot through bankruptcy court.**

He is scheduled to be sentenced Jan. 24. His sentencing has been postponed twice to give him more time to help liquidate his family’s farming and ranching operations and raise money for Tyson and other creditors.

At issue was whether reselling the feedlot to the highest bidder for at least \$25 million could benefit creditors, including Tyson. Tyson claimed the \$16 million paid by Agri Beef was too low and amounted to a fraud on creditors, an allegation denied by Agri Beef and the Easterday estate.

Tyson stood to gain a shot at buying the lot, while also benefiting as the largest creditor.

Alan Kornfeld, an attorney for the bankrupt Easterday businesses, said Tyson was trying to use the bankruptcy court to fix a business mistake.

Cody Easterday needed cash and talked to Tyson about selling the lot, but Tyson only offered to subtract \$10 million from the fraud debt. “Now they want a mulligan,” Kornfeld said.

Tyson claimed Cody Easterday could have gotten more money for the feedlot by soliciting bids. As evidence, Tyson cited its \$25 million offer, made four months after Agri Beef paid \$16 million, and a declaration by Beef Northwest Feeders managing partner John Wilson Jr.

Wilson said that if the Oregon-based company had known the Easterday lot was for sale, it would have been “very interested” in buying it for “significantly” more than \$16 million.

The large feedlot has ample rights and enhanced value because of its proximity to Tyson’s plant, Wilson said.

Agri Beef attorney Chris Harris said the company

paid above market value for a feedlot that was twice appraised at \$9 million. Tyson was apparently trying to strike at a smaller competitor, he said.

“They (Tyson) don’t even own feedlots, which makes this lawsuit look to us like an attempt to use this bankruptcy court to disrupt our business,” Harris said.

Agri Beef bought the feedlot in good faith and would hold the bankrupt Easterday estate responsible if the sale was undone, he said. “Our damage would be millions of dollars,” he said.

Holt said it was possible that reselling the feedlot would raise more money for creditors. But with promised litigation and high legal fees, it would be risky, he said.

“I cannot conclude that the preponderance of the evidence concludes a clear cost benefit,” Holt said.

## Critics fear rural impacts of Portland water facility

By **MATEUSZ PERKOWSKI**  
Capital Press

Critics claim a 95-acre water filtration facility proposed for farmland near Portland undermines the city’s commitment to “smart growth” and preventing urban sprawl.

Aside from disrupting nearby farm operations, the project would set a bad precedent for building public utility structures outside “urban growth boundaries,” opponents say.

“They’re trying to pack as many people into Portland as they can. This is contradictory to that,” said Larry Bailey, a neighboring nursery operator who opposes the project.

Farmland is easier and less expensive to develop, which is why Oregon’s land use system aims to protect it — a goal that would be undermined by the “giant industrial facility,” according to critics.



Mateusz Perkowski/Capital Press

**Rod Park, left, speaks with Jesse Nelson, center, and Larry Bailey at the site of a proposed water filtration project near their properties outside Portland, Ore.**

neighbor’s farm,” said Jesse Nelson, a neighboring nursery owner. “The ground will never be the same. You’ll be lucky to get weeds to grow on it.”

Neighboring growers fear they’d be blamed for any dust or pesticides that are found in the water, since the facility will have open reservoirs. They also worry already-scarce farm suppli-

ers will become even rarer in the region if it becomes more urbanized.

“This is the heart of Multnomah County’s agriculture economy. Once you take it out, that’s the beginning of it going out forever,” said Lauren Courter, a neighbor and community organizer. “It changes the landscape out here forever. It just opens it up to more of Portland.”

Opponents of the facility are currently focused preventing the project from receiving a conditional use permit from Multnomah County, but plan to challenge it before the state’s Land Use Board of Appeals if it gets county approval.

The Oregon Farm Bureau, Oregon Association of Nurseries and the 1,000 Friends of Oregon farmland preservation group have urged the state’s Department of Agriculture to help ensure the facility meets land use criteria.

Portland’s Water Bureau must build the project to comply with state and federal requirements to remove cryptosporidium, a microbial parasite, from its water supply, said Bonita Oswald, the city’s Bull Run treatment communications manager.



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