

Lawmakers file Inslee's mandatory buffer bill

By **DON JENKINS**
Capital Press

OLYMPIA — Legislation advanced by Gov. Jay Inslee and Washington tribes calls for mandatory riparian buffers, with \$10,000-a-day fines for landowners who don't plant trees along creeks and rivers crossing their property.

Senate Bill 5727 directs the state Department of Fish and Wildlife to set and enforce "riparian management zones." The sponsor, Sen. Christine Rolfes, D-Kitsap County, called the legislation a "Marshall Plan" to save salmon.

"This is kind of our moment. I hope people will engage constructively," she said Friday. "It's a critical issue for the entire state to talk about what we need to do for salmon."

Farm groups said the buf-

fers could take a lot of farmland out of production.

"It's pretty strident," Washington Farm Bureau director of government relations Tom Davis said. "This can and will likely put some farmers out of business."

Inslee and tribal officials broadly outlined the proposal at a media event in December. At the request of the governor, Rolfes filed the bill this week detailing what the governor and tribes agreed upon.

Rep. Debra Lekanoff, D-Skagit County, has introduced the legislation in the House.

"The bill works to protect what's left and restore what we can to ensure we help salmon recover and be more resilient to climate change and warming stream temperatures," a governor's spokeswoman said in an email.



Washington State Capitol

The top-ranking Republican on the Senate and Natural Resources, Judy Warnick of Moses Lake, said she learned about the bill after it was introduced.

"Apparently, nobody knew it was coming," she said. "A bill this big needs all the stakeholders involved. There will be lot of concern about the taking of private lands."

Titled the Lorraine Loomis Act, after the late chairwoman of the Northwest Indian Fisheries Commission, the bill calls for buffers as wide as the height of old-growth trees.

Old-growth conifer canopies range from 100 feet to 240 feet in Washington, according to a Fish and Wildlife report, which the bill designates as "the best available science."

Fish and Wildlife habitat program director Margen Carlson said the buffer could be smaller in some areas where trees grow 75 to 80 feet. The department has not estimated how much land would be converted into riparian zones, she said.

The bill would not apply to parks or land with buildings, roads or trails. If a buffer would take up more than half the land, the parcel would be exempt.

Fish and Wildlife would give landowners who don't plant buffers a list of "corrective actions." A landowner couldn't remove or degrade a riparian management zone.

In addition to fines by Fish and Wildlife, the Department of Ecology could levy another penalty to landowners for water-quality violations, according to the bill.

Farmers who lost productive land would be eligible for compensation at least equal to USDA's conservation easement program for up to 10 years, according to the bill.

The land would have to be taken out of farm production forever.

"They give you 10 years to get out of Washington," Washington State Dairy Federation policy director Jay Gordon said.

"This will appeal to absentee landowners, but not people who have to make a living or who have employees who have to make a living from the land," he said.

Planting buffers would cost landowners, though

the state would pay at least 70% of the cost for mulch, fertilizer, seeds, labor, trees, fences and other expenses, the bill states.

The state would help pay maintenance costs, but for only five years.

The state Growth Management Act currently requires cities and counties to protect fish habitat. As an option to strict GMA rules, many counties embrace the Voluntary Stewardship Program.

Farm groups also support VSP, which helps fish through conservation projects by willing landowners. Mandatory buffers will "blow up" VSP, farm groups warn.

Rolfes said she supports VSP. "That's an important program that works. The intent of the bill is not to undermine that," she said.

Easterday sentencing pushed back to June

By **DON JENKINS**
Capital Press

An Eastern Washington federal judge has postponed sentencing Cody Easterday until June 13, giving the ex-cattleman six more months of freedom to settle his contentious bankruptcy case.

U.S. District Judge Stanley Bastian described the ongoing dispute between Easterday, his creditors and his fraud victim, Tyson Fresh Meats, as a "mess."

"I can't find a better word," he said on Jan. 6.

Easterday, 50, pleaded guilty March 31 to defrauding Tyson out of \$233 million. Easterday supplied Tyson with cattle from his feedlot near Pasco. Over several years, he billed Tyson for about 200,000 head of cattle that didn't exist.

Easterday faces up to 20 years in prison for wire

fraud and must make restitution. His sentencing already had been postponed twice to give him time to sell farms and equipment through bankruptcy court.

Over the objection of the Justice Department, Bastian granted the motion by Easterday's attorney, Carl Oreskovich, for a third delay, pushing sentencing back from Jan. 24.

Bastian cited ongoing litigation in bankruptcy court. A trial to allocate more than \$200 million from the liquidation of Easterday Farms and Easterday Ranches will begin April 18.

Tyson and other creditors are seeking the entire pot. Easterday and his wife, Debby, and mother, Karen, claim they are entitled to a share.

The trial will sort out ownership of more than 80 parcels of land acquired over three decades by Cody East-



George Plaven/Capital Press File

Cody Easterday

erday and his late father, Gale.

Only Cody Easterday has the knowledge to help family attorneys prepare, Oreskovich argued. "It's a monumental amount of work that is necessary," he said.

Bastian agreed to delay sentencing until after the trial. "Mr. Easterday is

doing what he promised to do when he pled guilty in this courtroom to try to help clean this mess up," the judge said.

Bastian said he also wanted to sentence Easterday in person, not by video conference, and it's unlikely that courtroom hearings will resume this month because

of COVID restrictions.

He also noted that if Easterday had insisted on a trial, the trial would not have started yet because of normal delays. The case is still ahead of most criminal cases, he said.

"And that's because Mr. Easterday pled guilty and has taken the initial steps to

accept responsibility for the mess that he created," Bastian said.

Along with the Justice Department, Tyson opposed postponing sentencing.

In a court filing, Tyson said Cody Easterday wanted to stay free to steer "tens of millions of dollars in disputed sale proceeds to his mother and wife rather than to creditors."

In a written response, Oreskovich disputed Tyson's description of the bankruptcy case.

The Easterdays cooperated to sell their companies to raise money for creditors, including Tyson, Oreskovich said. The Easterdays face paying \$25 million in capital gains taxes, he said.

Tyson and other creditors are trying to stick the Easterdays with the tax bill and no money to pay it, Oreskovich claimed.

USDA approves Oregon hemp plan

By **GEORGE PLAVERN**
Capital Press

SALEM — The USDA has signed off on Oregon's plan to regulate hemp production statewide, including licensing and testing requirements for growers and processors.

The revised plan was required to comply with new federal guidelines for hemp after the crop was legalized in the 2018 Farm Bill.

Hemp licensing will still be done by the Oregon Department of Agriculture, albeit with several changes for 2022. The biggest difference is mandatory background checks for key participants, said Sunny Summers, ODA cannabis policy coordinator.

Under the USDA rule, anyone convicted of a felony cannot participate in growing hemp for 10 years. House Bill 3000, signed by Gov. Kate Brown last year to crack down on illegal marijuana, allows ODA to conduct background checks for the

hemp program in partnership with the Oregon State Police.

Summers said ODA is still developing the process for applicants to submit their fingerprints and complete the background check. Background checks are required for hemp growers, but not handlers.

The cutoff date for license applications is May 31. Growers must also register with their

local USDA Farm Service Agency office and report the location and acreage of hemp planted.

Another significant change is a 30-day window for pre-harvest testing to ensure the crop does not exceed the threshold for THC, or tetrahydrocannabinol. THC is the main psychoactive ingredient in marijuana that gets users high.

Hemp cannot contain more than 0.3% total THC.

As of Jan. 10, Summers said ODA had not approved any hemp licenses for 2022. Oregon had 752 registered growers and 7,175 acres of hemp last fall.



Sunny Summers



Meet the Lender Who Lets You Ask, "What If?"

FarmOp Capital believes you deserve an operating loan that allows you to explore growing your business, regardless of how much land you own. If you want to pursue what's possible, we can help.

Let's talk about your needs for the future.

Call 1-833-FARMOPS or visit [FarmOp.com](https://www.farmop.com)

The information contained herein is general information and should not be construed as an offer or promise to make a loan or for any specific loan terms. The terms and funding of each loan are based on FarmOp Capital's review of various factors and applicants are subject to qualification.

ROGUE FARM CORPS PRESENTS:
CHANGING HANDS
VIRTUAL EDUCATION WORKSHOPS
FOR FARMERS & RANCHERS
DECEMBER 2021 - FEBRUARY 2022



[WWW.ROGUEFARMCORPS.ORG/CHANGINGHANDS/WORKSHOPS](https://www.roguefarmcorps.org/changinghands/workshops)

S274684-1

5/27/2021