

Oregon farmers urge against city's trail proposal

By **MATEUSZ PERKOWSKI**
Capital Press

CANBY, Ore. — Farmers and landowners in Oregon's Clackamas County say they oppose the development of a recreational trail they fear will increase crime and disrupt agriculture.

Officials from the city of Canby heard April 12 from property owners adjacent to the 3.4-mile portion of an old logging trail that may be converted into a pedestrian and bicycle trail.

City officials and trail proponents reassured landowners that Canby is still deciding whether to invest in the project but hasn't yet committed to development.

"I understand the importance of having full access to your property and your agricultural practices," said Mindy Montecucco, chair of Canby's bicycle and pedestrian committee, who grew up on nearby Montecucco Farms.

"With your help, it became clear there's a need for a lot more planning," she said.

The idea of reworking a longer 22-mile stretch of the logging road, linking the cities of Canby and Molalla with a recreational trail, was hatched nearly three decades ago.

However, a landowner's decision in 2017 to donate three miles of the road to Canby, where it would join with an existing trail, has reinvigorated the proposal.

The city has enlisted technical assistance from the National Park Service to advise on the trail's development.

"If you have farming concerns, we want to hear ideas on how to make those work," said Dan Miller, community planner with the National Park Service.

The city is in the process of



Mateusz Perkowski/Capital Press

Mindy Montecucco, chair of Canby's bicycle and pedestrian committee, speaks to farmers and landowners about a proposed rural trail that's raised crime and farm disruption concerns.

deciding whether to spend considerable resources on turning the road into a trail and park, said Scott Parker, the city administrator. No decisions have yet been made by the city council.

"All that's happened is an aspirational plan has been explored," he said. "The future is yet to be determined."

Farmers and other landowners next to the proposed trail have objected to the concept, arguing that inviting the public onto the logging road would impede or prevent the movement of farm machinery.

Trail users and their pets could contaminate hazelnuts growing along the route, since the crop is harvested from the ground, according to critics.

Pesticide spraying near the trail could also create regulatory concerns if people are officially invited onto the route, opponents say.

The city hopes to learn how many landowners use pesticides near the trail, said Joseph Lindsay, Canby's city attorney.

"This is information-gathering for us as well," he said.

The road runs adjacent to the

Molalla River and was once a popular spot for underage drinking and partying before a barricade was installed, neighbors say.

They fear the problems will resume if the trail is opened to the public, along with illegal dumping, shooting, camping and trespass.

Already the logging road is being strewn with trash and accessed by homeless people, according to landowners at the meeting.

Dogs have chased livestock and visitors have lit campfires in the height of summer, landowners complained.

"This is city property and nobody is patrolling it," one landowner said. "I don't trust you all to do a good job."

Another landowner said that neighbors must already deal with theft and even prostitution along the trail.

"I don't care what you say, it's going to make my life more hell," she said.

Under a development plan that Canby commissioned, the trail would be upgraded in two phases, beginning with a 1.7-mile segment that would extend the city's exist-

ing recreational trail.

The city is currently focused on whether to begin construction of that first segment of the trail, which is estimated to cost \$2.8 million.

The second phase would be more complicated, as it would involve rebuilding a portion of roadway that was washed out by flooding and has become overgrown with vegetation.

This reconstruction could involve acquiring easements on upland property or substantial infill and structural support along the original, washed-out route.

The development plan anticipates that both phases would cost about \$5.7 million, which may involve federal funding or permits and the associated environmental reviews.

"The city council needs to decide what they're going to do and how they're going to do it," said Miller of the National Park Service.

The decision will be made within the context of a broader master plan for investing in Canby's parks and which projects should be prioritized, said Lindsay, the city attorney.

"Maybe there's other ones that get made first," he said.

Canby could contract with law enforcement from Clackamas County to patrol the trail and rely on volunteers to deter undesirable behavior, according to the development plan.

The trail would also incorporate principles of "crime prevention through environmental design," such as clearing brush to provide "eyes on the trail" and installing fencing and signs to set boundaries for private property, the plan said.

Landowners at the meeting were skeptical that signage and

fences would be effective, in light of problems that are already occurring before the trail is officially opened.

People are already poaching deer and cutting holes in fences, said Tim Samuels, whose family owns the adjacent Oregon Pacific Railroad Co.

"I can't imagine what it'd be like if there was an actual trail out there," he said.

Similar controversies derailed a proposal for a similar 3-mile trail between the towns of Yamhill and Carlton, with Oregon's Land Use Board of Appeals twice ruling that it had been approved without sufficient analysis of farm impacts.

Yamhill County's board of commissioners ultimately decided last year to withdraw the project, which would have converted an abandoned railroad into a trail, rather than continue with the legal battle.

Canby city officials want to prove to landowners that it values their input, said Jamie Stickel, its economic development director.

"This is our opportunity to start the conversation, but it's not the only opportunity to have the conversation," she said.

The logging road's closure for hauling was one of the best things that happened to nearby landowners, who had long endured dangerous behavior on the route, said one landowner.

"I don't see how human nature has changed a lot in 50 years," he said. "Human nature is depraved."

Miller of the National Park Service urged landowners to provide the city with advice on solving problems with the property, even if they oppose the trail.

"Whether the city develops this trail or not, they own that land," he said.

Snake River headwater reservoirs on track for low levels this fall

By **BRAD CARLSON**
Capital Press

The Snake River's three headwater reservoirs could be drawn down to near 40-year lows by this fall, a U.S. Bureau of Reclamation water manager says.

The amount of water left in the reservoirs after last year's irrigation season was much lower than the previous year, and the forecast for snow runoff is well below average.

Palisades Reservoir in Idaho and Jackson Lake in Wyoming are projected to not fill this year, said Jeremy Dalling, Reclamation's Upper Snake reservoir operations lead.

On the Henry's Fork of the Snake River in Idaho, Island Park Reservoir is expected to fill.

"At this time, it is reasonably likely all three reservoirs are going to observe some of the lowest levels we have seen in 40 years," Dalling said.

Actual reservoir levels this fall will depend on demand and whether conditions are drier or wetter than expected, he said.

"...All are going to be down very low in the fall," he said. They are expected to get 65-75% of average runoff.

Irrigation water first

comes from streamflow and then from reservoir storage.

Dalling said most of the stored water likely will be needed for irrigation, and "consequently, the expected demand on the reservoirs will also impact recreation, possibly limiting access and lowering reservoir levels."

Island Park storage is above average. A water saving project and a period of reduced demand last year helped, he said. Rains came when harvested hay was on the ground for curing and baling, which took longer and delayed resumption of regular irrigation demand.

Storage in Palisades and Jackson reservoirs is well below average and year-earlier levels, Dalling said. The reservoirs contain about 650,000 acre-feet combined, down from around 1.7 million acre-feet a year ago.

Jackson was 23% full at the end of the day April 17, which is 37% of average for that date, he said.

Palisades was 37% full, which is 71% of average.

Island Park was 93% full, which is 108% of average.

On April 17, 2021, Jackson was 77% full, Palisades was 88% full and Island Park was 90% full.

Easterday settlement filed in bankruptcy court

By **DON JENKINS**
Capital Press

A tentative settlement has been reached to allocate money from the fraudulent bankruptcy sale of Cody Easterday's farms in Eastern Washington.

The agreement between the Easterday family and creditor committees was filed late April 14 in U.S. Bankruptcy Court. During a brief conference Friday, Judge Whitman Holt in Yakima set a hearing on the settlement for Tuesday.

"I think it's terrific news that there appears to be peace in the valley," Holt said.

Easterday filed for bankruptcy more than a year ago shortly before pleading guilty to defrauding Tyson Fresh Meats out of \$233 million. He supplied cattle to Tyson, but billed the company for more cattle than he delivered.

Easterday is set to be sentenced June 13 in U.S. District Court for wire fraud. He faces up to 20 years in prison, according to federal prosecutors.

The bankruptcy settlement provides a framework for distributing proceeds from the liquidation of Easterday Farms and Easterday Ranches. Both companies were owned and directed by Cody Easterday and his wife and mother.

The agreement "paves the way for a 100% recovery to general unsecured creditors of Farms and a material



George Plaven/Capital Press File

Cody Easterday

recovery to general unsecured creditors of Ranches," according to the filing.

The Easterdays' holdings included 22,500 acres of farmland in the Columbia Basin. Farmland Reserve Inc. bought the land, stretching over several farms in Benton County, for \$209 million in July.

Under the settlement, Easterday family members won't net any money from the sale, but will keep other property, including an onion storage shed in Pasco and land in Idaho appraised at \$9.2 million.

The agreement would shield Cody Easterday's wife and mother from

being held responsible for allegedly failing to detect or stop the fraud.

Tyson supports the settlement and is not prohibited from continuing to seek restitution from Easterday, according to the agreement. Tyson declined to comment further Friday.

The Department of Justice must agree to the settlement. Assistant U.S. Trustee Gary Dyer told Holt that he had not seen the agreement until it was filed.

In the filing, lawyers called the settlement a "pivotal moment" and a "triumph" of hard negotiations. Easterday family members and opposing lawyers

have been in an expensive battle over the bankruptcy proceeds.

Lawyers and financial advisers representing creditor committees have racked up about \$10 million in fees between late July and January, according to an Easterday family attorney. The money was paid from the bankruptcy sale proceeds.

An Easterday family statement, also filed Thursday with the court, says that Cody Easterday "self-reported to Tyson management" on Nov. 30, 2020, and resolved to take responsibility for his actions and work to repay Tyson.

By the end of December, it was clear Easterday Ranches, which had 76 employees, would fold. By January, it was clear that Easterday Farms, which had 124 employees, was also in jeopardy, according to the statement.

Easterday advised the creditor committees to plant wheat rather than onions and potatoes. Wheat would take less labor, water and equipment and in May and June would be "aesthetically pleasing" to potential farm buyers, according to the statement.

Greenman appointed new Oregon state director of Farm Service Agency

By **GEORGE PAVLEN**
Capital Press

TUALATIN, Ore. — President Joe Biden is appointing Gail Greenman as Oregon state director for the USDA Farm Service Agency.

Greenman replaces Josh Hanning, who was the agency's acting state director. Her appointment came in an announcement from the White House on April 14 naming several new leaders within the USDA and Small Business Administration.

"These regional appointees will be critical to the President's efforts to rebuild communities most impacted by the pandemic, the economic recovery and climate



Gail Greenman

change," according to the White House statement. "They bring deep expertise in their issue areas as well as critical relationships with federal, tribal and local leaders."

The Farm Service Agency administers USDA programs through a national network of state and county offices. These include issuing farm loans, as well as funding for conservation, disaster assistance, outreach and education.

Oregon's state FSA office is in Tualatin, 10 miles south

of Portland.

Most recently, Greenman was executive director of the Westside Economic Alliance, a nonprofit that advocates for improving transportation, workforce development, affordable housing and other infrastructure issues in the Portland metro area.

Greenman was also director of national affairs for the Oregon Farm Bureau, where she lobbied for national policies to benefit the state's agricultural producers.

U.S. Sen. Ron Wyden, praised the appointment in a tweet, saying Greenman has the knowledge, relationships and leadership skills to deliver for farmers facing challenges such as drought.

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