

# Oregon threatens to reject Easterday mega-dairy

Application has been in the permitting process for two years

By KRISTIN M. KRAEMER  
Tri-City Herald

BOARDMAN — Oregon officials have given Cody Easterday 15 days to withdraw his application to operate a controversial mega-dairy in Boardman, just south of the Tri-Cities.

The application, which has been in the permitting process for two years, was filed naming Easterday as the owner or operator of Easterday Farms Dairy LLC.

But around the same time the president of one of the largest agricultural operations in Washington state was pleading guilty to wire fraud and trying to protect his businesses with bankruptcy filings, his 24-year-old son bought all of his father's interest in the proposed Oregon facility.

It is not known how much Cole Easterday paid for the operation.

But, now that Cole Easterday is listed as manager of the corporation and Cody Easterday's name has been removed from official paperwork, the confined animal feeding operation application is no longer valid.

Under Oregon's laws governing confined animal feeding operation, or CAFOs, the applicant listed must be the owner or operator of the facility.

The Oregon Department of Agriculture sent out a news release Thursday, July 1, saying the state has requested that Cody Easterday withdraw his application.

The agency has not ruled out whether it will consider an application filed by



George Plaven/Capital Press, File/Capital Press

Wastewater lagoons are emptied at the former Lost Valley Farm as part of cleanup operations. The facility's cleanup was completed before the Oct. 31, 2020, deadline established under a legal agreement with Oregon regulators.

another person on behalf of the dairy.

If Cody Easterday does not withdraw by the July 15 deadline, the Oregon departments of agriculture and environmental quality will issue an order denying the application because it is inconsistent with state regulations, according to the news release.

## Easterday Dairy

Online Oregon corporation records show the annual report was amended March 17 to reflect Cole Easterday as manager.

Two days later, another document was filed saying that Easterday Farms Dairy — first registered in Oregon on March 20, 2019 — is now to be known as Easterday Dairy LLC.

It is a Washington corporation with a North Industrial Way address in Pasco, just like the other family-owned businesses, Easterday Ranches and Easterday Farms.

The Easterdays bought the embattled Lost Valley Farm in April 2019 after troubled owner Greg te Velde was forced to shut down the dairy and sell the cattle in his own bankruptcy case.

The reported \$66.7 million purchase price covered the property but not the cows.

Cody Easterday applied in June 2019 for a CAFO permit for a large-scale, commercial dairy and feedlot with 28,300 cattle near Boardman,

which is 60 miles south of the Tri-Cities.

Since then, the two Oregon agencies have been working with Cody Easterday on the individual permit.

## Dairy opposition

There has been opposition to the application, with a coalition calling for the state to deny the Easterday permit and pushing the Oregon Legislature to enact a moratorium on the creation of new mega-dairies and the expansion of existing operations.



Easterday

Stand Up to Factory Farms wants policies instituted to "meaningfully protect our air, water and climate, and ensure the humane treatment of animals and the economic

vitality of family farmers."

The coalition includes community, environmental, farm and social justice organizations at the local, state and national level.

The Oregon Department of Agriculture "is right to require Cody Easterday to withdraw the permit application for a new mega-dairy in eastern Oregon, particularly in light of the federal charges brought against him and the uncertainty regarding the future of the Easterday family's enterprises," coalition organizer, Kristina Beggen, said in a news release after the state made its announcement.

"The fact that ODA continued to consider this permit after the Easterday scandal broke, despite clear authority to deny the appli-

cation, is outrageous. But returning the application is not enough," Beggen continued.

"Oregon is in the throes of a record-breaking, climate change-fueled heat wave and drought that will be worsened by a mega-dairy's massive greenhouse gas emissions and water waste. Governor Brown must prevent this to prove herself a climate champion. She must deny the permit for this mega-dairy outright, no matter who the applicant is."

The coalition renewed its request involving the Easterday operation in February after allegations surfaced in a lawsuit that Cody Easterday had bilked Tyson Foods and an unnamed company out of more than \$225 million total by charging for the purchase and feeding of 200,000 cattle that never existed.

Easterday came up with the scheme to offset the money he lost in the commodities trading markets, federal investigators said.

At the same time, Easterday Ranches and Easterday Farms separately filed in federal court for Chapter 11 bankruptcy protection.

Cody Easterday, now 50, went on to plead guilty in U.S. District Court in a case that federal prosecutors are calling a "ghost-cattle scam."

The Mesa man faces up to 20 years in prison, and agreed to repay \$244 million in restitution.

Stand Up Factory Farms, in calling for the application to be denied, questioned how Easterday Farms Dairy would have the ability to meet the permit's financial requirements with the parent companies embroiled in multiple legal matters.

The coalition has said an estimated \$15 million is required to bring the former Lost Valley site into environmental compliance.



U.S. Army Corps of Engineers/Contributed Photo

A bipartisan group of 21 Northwest lawmakers called on President Joe Biden to prioritize a long-running effort to renegotiate a 60-year-old treaty that governs how the United States and Canada share the waters of the Columbia River Basin.

## Lawmakers seek progress on Columbia River Treaty

The Associated Press

SPOKANE — A bipartisan group of 21 Northwest lawmakers called on President Joe Biden to prioritize a long-running effort to renegotiate a 60-year-old treaty that governs how the United States and Canada share the waters of the Columbia River Basin.

In a Tuesday, June 29, letter to Biden, Washington Republican Rep. Cathy McMorris Rodgers, Washington Democratic Sen. Patty Murray and Oregon Democratic Rep. Peter DeFazio led the group urging the president to update the Columbia River Treaty.

The Spokesman-Review reported efforts to revise the treaty, which was signed in 1961, began in 2013 amid concerns over salmon runs, flood risk and electricity the U.S. sends to Canada under the accord.

"Modernizing this treaty is critically important to protecting our region from flood control risks and ensuring we can continue to lead with clean, renewable, reliable, and affordable hydro-power," McMorris Rodgers

said in a statement.

The treaty, which took more than 20 years to negotiate, came together after a 1948 flood washed away what once was Oregon's second-biggest city, Vanport. It provided for the construction of one dam in Montana and three in British Columbia, completed between 1968 and 1973, that together more than doubled the amount of reservoir storage in the basin, providing benefits for both flood prevention and generating power.

Most of the treaty's provisions don't have an expiration date, but half a century after its signing, changing conditions spurred an effort to modernize it. The Bonneville Power Administration and the Army Corps of Engineers — which together form the U.S. entity responsible for the agreement — began a review of the deal in 2011 and recommended a series of changes to the State Department in 2013.

The recommendations included letting more water flow through the dams in spring and summer to improve fish passage, decreasing the treaty's

impact on tribal resources and updating flood management plans. The BPA and Army Corps of Engineers also recommended changing a provision known as "the Canadian Entitlement," which requires the U.S. to send cash and half of power generated downstream to Canada in exchange for the water resources.

The BPA and Army Corps of Engineers have estimated the value of the Canadian Entitlement to be between \$229 million and \$335 million a year, contending the current treaty gives the U.S. a raw deal. Canadian negotiators have argued the current entitlement is fair. Either country can terminate the treaty with 10 years' notice, but neither has done so.

The letter was signed by lawmakers from Washington, Oregon, Idaho and Montana.

A State Department spokesperson said Friday the agency doesn't comment on congressional correspondence but promised to consult with lawmakers on the treaty.

The White House did not respond to a request for comment.

## Brown declares drought disaster

Umatilla County faces some of the driest conditions on record

By BRYCE DOLE  
East Oregonian

PENDLETON — Gov. Kate Brown declared Umatilla County in a drought disaster in an executive order Tuesday, June 29.

The county was one of four — along with Grant, Union and Wasco counties — that Brown announced was facing "a severe, continuing drought emergency" that is projected to continue as conditions are unlikely to approve, the order said.

Now, the declaration heads to Secretary of State Shemia Fagan for her signature.

The move has the potential to bring relief to local farmers in the form of state or federal funding. It also directs a variety of state agencies to assist water users, seek federal support, assess

the impact on the region's fish and wildlife and find ways to mitigate the drought's impact.

The county is facing drought conditions unparalleled in recent years, coupled with a record-breaking heat wave that sent temperatures skyrocketing during the past week. The conditions spell disaster for the region's agricultural industry, one of the region's primary economic drivers, officials say.

The order says the conditions also "increase the potential for fire, shorten the growing season, and decrease water supplies." Last weekend, a fire outside of Pendleton stretched more than 450 acres, much of which was standing wheat. The Umatilla County Sheriff's Office is investigating the cause of the fire, but Pendleton Fire Chief Jim Critchley said it was not started by natural causes.

"If a fire starts, who knows when it would stop?" Umatilla County Commissioner George Murdock said

of the conditions.

## County declares drought

In April, the Umatilla County Board of Commissioners declared a drought disaster and asked Gov. Kate Brown to follow suit. Counties across Eastern and Central Oregon have since declared for drought disaster en masse.

"We were very anxious because we knew this would have a big impact on our farmers," Murdock said. "It positions them to get some help because of the drought conditions."

Murdock said the county was "delighted" to see the state move to declare drought. He added he fully expects Fagan to sign the declaration, saying he "can't fathom her not signing it."

"We're not happy that we're in drought conditions," he said. "But we're certainly happy that the governor recognized that, along with many other counties, and approved it."

## LOCAL BRIEFING

### Tribes announce COVID-19 vaccine lottery

MISSION — As Oregon prepares to announce the winners of its COVID-19 vaccination lottery, the Confederated Tribes of the Umatilla Indian Reservation has a lottery of its own.

According to an announcement on Tuesday, June 29, tribal members and CTUIR employees who have received the COVID-19 vaccination are eligible for cash prizes.

All vaccinated tribal members and employees will get \$100 and will be eligible for the drawings. For its \$2,000 prize, the tribes will draw 250 names from its tribal membership and 206 names from the CTUIR workforce. One person from each group will

be selected for the \$50,000 grand prize. Tribal members ages 12-17 also will be eligible to win \$10,000 or \$50,000 scholarships.

CTUIR employees must be vaccinated by July 30 and employed at a tribal entity by the Aug. 3 drawing.

Eligible contestants can enter into the lottery by calling 541-240-8500 or by scanning a QR code available at [www.ctuir.org](http://www.ctuir.org).

### CTUIR fireworks ban remains

MISSION — The Confederated Tribes of the Umatilla Indian Reservation reminded residents and visitors that fireworks remained banned on tribal land ahead of the Fourth of July weekend.

In a Thursday, July 1, press release, the tribes

reiterated the sale and use of fireworks already are banned through the CTUIR criminal code. However, "firework like devices," like sparklers, cap guns and snakes, are allowed.

"We have been operating under a burn ban since June 18," Umatilla Tribal Fire Chief James Hall said in a statement. "Right now, the risk of fire caused by fireworks is at an all-time high. We need to do everything possible to reduce the threat of fire. Tell your kids. Tell your neighbors."

While a permanent ban is already on the books for the CTUIR, Umatilla County, Pendleton and Milton-Freewater all took recent action to temporarily ban fireworks as the weather has taken an extremely hot and dry turn.

—EO Media Group