

**Delta County Farm and Livestock Bureau
322 West 5th Street
Delta, Colorado 81416**



Mr. Forrest Lucas, founder
Protect The Harvest
480 Southpoint Circle
Brownsburg, Indiana 46112

Dear Mr. Lucas,

You have heard about the legal situation involving the Western Slope Layers, LLC owned by Edwin and Eileen Hostetler in Delta County, Colorado. Help is still needed, not only in the form of financial aid, but also help to get the word out to people about how it affects them and their right to farm.

The first lawsuit, alleging inappropriate land use, culminated with a favorable ruling by the Colorado Court of Appeals when the Colorado Supreme Court refused to hear the case. But unfortunately, a subsequent suit alleging civil trespass was filed. The trial of that case has been postponed several times and is now scheduled for May of 2017.

The legal battle began on July 20, 2012 when the Delta County Commissioners approved a land use change application for an organic, free range, chicken egg laying facility to be located just north of Hotchkiss, Colorado. A group of neighbors immediately, with the apparent backing of a national animal rights group, filed a lawsuit against the owners of the chicken house and the Delta County Commissioners making several allegations, basically centered around the idea that the facility was not agricultural, but really a "factory farm". After much legal wrangling the Colorado Court of Appeals overturned the Colorado 7th Judicial District verdict against Delta County and the chicken house owners. Subsequently the Colorado Supreme Court refused to hear the case. The definition of agriculture and validity of the Right to Farm Ordinances and Statutes of Delta County and the State of Colorado were ratified. The facility was repopulated with chickens in October of 2014.

The main opponent of the chicken house has stated that she doubts that she can win, so is trying to bankrupt the private property holder. Even before the conclusion of the appeal of the first lawsuit a second suit was filed accusing the chicken house of civil trespass (the plaintiffs held that dust was escaping from the chicken house and damaging their health). The trial of that lawsuit is now scheduled for May of 2017 after having been postponed several times. The civil trespass lawsuit has proved costlier for the defendants as it has involved more fact finding, depositions gathering, and expert witnesses.

Delta County Farm and Livestock Bureau and Colorado Farm Bureau fought the first verdict aggressively as it brought into question the infringement on private property rights and the Delta County and State of Colorado Right to Farm ordinances and statutes. Several amicus briefs supporting the chicken house were filed with the court by entities ranging from Colorado Farm Bureau and Western States Legal Foundation to the State of Colorado Department of Public Health and the Colorado Department of Agriculture.

Some \$750,000 in legal fees have accrued so far in this legal battle to preserve private property rights and the rights of a family to raise chickens on their property. Their employment of best management practices seems to be irrelevant as the legal case continues to drag on and the legal bills pile up.

If the plaintiff's position prevails, the precedent set for agriculture, and private property rights in general, could be disastrous. A disgruntled neighbor, or purposeful activist group, would have precedent to single out a single operator and legally "hound" them to their demise. The primary allegation in this case is that the defendant's chicken house raises dust, and we all know that every ag operation, in fact every action of even the wind, raises dust. If the use of best management practices is not acceptable, the future for family farm agriculture is grim indeed.

Local entities have held numerous events to raise funds for the targeted family, but local resources are running thin. Unfortunately, we are running out of money just when the most critical time of the legal process is being reached. Help is still needed. Please send donations to the Delta County Farm and Livestock Bureau. And please help us get the word out as to what is going on.

Thank you

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