

GUEST EDITORIAL FROM THE ALBANY DEMOCRAT-HERALD

No reason to sidestep the Constitution

The state Senate has passed a bill that would allow Oregon to join the states that have banded together in an attempt to bypass the electoral college. The measure now goes to the House, which likely will pass it — but representatives should give this proposal careful consideration.

Under the terms of Senate Bill 870, which passed on a mostly partisan vote with Democrats mainly in favor, Oregon would join the National Vote Interstate Compact, a pledge between states to give their electoral votes to whoever wins the national popular vote. In other words, if a Democratic presidential candidate won the national popular vote, Oregon's seven electoral votes would go to that candidate, regardless of how the state voted. If a Republican candidate won the national popular vote, Oregon's seven votes would go to the Republican, regardless of how the state voted.

The compact is fueled by Democratic anger over a pair of recent presidential elections in which the electoral college awarded the presidency to Republican candidates who did not win the popular vote. This happened most recently in 2016, when Donald Trump defeated Hillary Clinton. The compact would only go into effect when enough states join to reach 270 votes, the threshold needed to win the presidency. The idea behind the compact has been kicking around for a decade, and now is 81 votes shy of reaching that 270 goal; 14 states and the District of Columbia have signed onto the compact. If the bill becomes law, Oregon's seven electoral votes would be added to that tally.

The electoral college is enshrined in the U.S. Constitution, but attempts to introduce a constitutional amendment to scrap it have hit a dead end in Congress. The National Vote Interstate Compact wouldn't require a change to the Constitution; it is, essentially, a way to short-circuit this particular part of the Constitution, and that in itself should give lawmakers pause.

Opponents of the electoral college say that the system gives an extraordinary amount of power to a handful of swing states, where presidential hopefuls spend the most of their money and attention. Supporters of the electoral college include smaller, more rural states, which fear scrapping the system would mean candidates would pay more attention to densely populated areas to secure the maximum amount of votes. If this compact eventually falls into place, we suspect that's exactly what will happen — states like Oregon might get attention from presidential candidates only on those occasions when they swing through Portland. We suspect that general neglect of rural states and states with smaller populations would continue for those candidates who actually win the presidency.

Supporters of the bill argued switching to a popular vote model enhances the voices of rural voters. Sen. Shemia Fagan, a Democrat from Portland, has said Republicans in Oregon feel inconsequential because the state's large Democratic base means the state almost always votes for Democratic presidential candidates.

It was telling that Republicans in the Senate did not race to endorse this argument. Our hunch is that shelving the electoral college will only increasingly dampen the voices of voters in rural states. You know how rural Oregon residents sometimes lament the increasing political power of the Portland metro area? If the National Vote Interstate Compact gets to 270 votes, that sort of power shift could occur on a national scale.

As we have argued in the past, dissatisfaction with the electoral college sometimes stems from a failure to grasp the essential organizational foundation of the United States. We are one nation, but in presidential elections we act as a collection of federal states. Each one makes a decision on president. The result is a combination of the decisions in 50 states. Even if somebody thinks the system has flaws, that's no reason to sidestep the Constitution.

For sustainability, Forest Plans need to take the road least traveled

At first glance the title card might read like a worthy fight: "Two National Forests Pitted Against Six Counties' Commissioners of Overlying Jurisdictions."

In early March, Harney County Commissioner Mark Owens, in conjunction with commissioners from Wallowa, Malheur, Grant, Baker and Union counties, submitted a formal petition to Secretary of Agriculture, George Perdue, requesting an exemption for the Wallowa-Whitman National Forest and Malheur National Forest from the National Travel Management Rule (2005). Not only do the commissioners want these two forests exempted, but they also hope to open the door for reversing travel management plans currently in place on other forests.

There are 155 national forests and 20 national grasslands totaling 192 million acres administered by the USDA Forest Service. The Wallowa-Whitman and Malheur are no different and should be held to the same requirements as the remainder of the national forest system. With a threat to the sanctity of our public land looming from yet another front, one thing is for certain: It won't be a quick or easy battle for either opponent.

The petition argues few rationales as to why the group wishes to exempt 3.7 million acres from a national rule that would bring the road system in line with projected road maintenance budgets and environmental standards. It is important to understand the two types of "plans" that are addressed in the county commissioners' petition.

First, there are Forest Plans that are required by the National Forest Management Act (1976). A Forest Plan outlines how a national forest will be managed for multiple resource objectives over a 10- to 20-year period.

Second, there are Access and Travel Management Plans that are required by the National Travel Management Rule (2005). This rule requires each national forest and grassland develop an Access and Travel Management Plan that designates where various types of motorized travel will be allowed.

The commissioners' first rationale cites 36 CRF section 212, which merely allows petitioners to argue their point in order to amend the rules when deemed necessary. Their second rationale states that residents of petitioning counties are currently unable to access

the land that is under travel management restrictions without the aid of motorized vehicles, and that the 1990 Forest Plans offer sufficient protection for natural resources while allowing more motorized use. The petition concludes with a claim that the 2005 National Travel Management Rules "harm local communities, county residents, and recreational opportunities, while offering no tangible resource benefits." It even claims that restrictions to motorized travel "will have negative resource consequences."

The 1990 Forest Plans are heralded countless times throughout the petition. However, our understanding of the environment has changed greatly in the nearly 30 years since. One such improvement is the use of science-based road assessments in aiding the management of current road systems. The road ecology discipline was barely a concept when the 1990 Forest Plans were written. Today there are entire college curriculums designed around the ecological impacts from roads on soils, watersheds, wildlife and invasive species.

There are an impressive 300,000 miles of roads in the National Forest System. With an overwhelming amount of road surface to maintain and road use skyrocketing, the USFS must move toward a road system in accordance with 36 CFR Part 212 (Travel Management) published in 2005. Due to growing concerns over the ecological impact of roads and motorized traffic and the increased demand of associated use, the USFS must comply with the National Travel Management Rule to align their road systems with projected maintenance budgets and access needs for management and the public. This means each road needs to be assessed for its environmental impacts as well as its near and long-term needs.

The Wallowa-Whitman National Forest has more than 9,000 miles of roads the majority of which are designated "high clearance vehicle," immediately excluding drivers of sedans, minivans and the like. Of that 9,000 miles, more than 50 percent can be accessed for a total of 4,633 miles. The Malheur contains nearly 5,500 miles: roughly an equal distance as driving from Oregon to the center of Russia in the Siberian Tundra.

In order to protect and improve public lands in perpetuity for all there must be



Courtesy photo
Andrew Schilling and his dog go duck hunting in Ladd Marsh.



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restrictions on where and when motorized travel can occur. A reasonable road system is one that balances the needs of managers, natural resources and public access. Currently, the extremely high road densities on the Wallowa-Whitman and Malheur National Forests are causing elk to move off their spring, summer and fall public-land ranges onto private winter ranges, where they remain year round. This means elk are causing damage to private lands, and they are not available to public land users who wish to view or hunt them during the spring, summer and fall.

By reducing motorized disturbance on public lands, elk would begin to return to their appropriate seasonal distribution. Additionally, these high road densities and lack of restrictions on cross-country motorized travel are causing damage to soils and water quality, spreading seeds of noxious weeds, starting fires in remote areas and leading to increased litter, vandalism and poaching on public lands.

Together, these forest total more than 6,000 square miles and are the cornerstone of Eastern Oregon. Although the forests are laden with roads, many hunters like myself take to foot. It is the hallmark of a conscientious hunter to use his or her own power to penetrate deep into wild places seeking both game and adventure. It is common knowledge that many wildlife species benefit from areas that offer solitude in a landscape dominated by human activity and disturbance. Recreation must continue where and when it can be done without negatively impacting the environment.

Sustainability is all about finding a balance, and sometimes about making hard

decisions. If that means closing relatively small portions of forest land to motorized traffic, then it must be done. Where would we be if others hadn't had the forethought and gusto to establish protections? Areas with little or no motorized travel don't detract from the cultural identity of the community — they enhance it.

The county commissioners who seek to have no restrictions on where motorized vehicles can travel on public lands frequently try to make this a people versus wildlife issue. They ask, "Why aren't people considered in these decisions?" or "Why does wildlife get more consideration than people?" The truth is, this is not a people versus wildlife issue. Doing what is responsible and right for wildlife is doing what is best for people. Elk, to give an example, are incredibly important as a first food of Native American peoples, they are valued as a hunted species that brings millions of dollars to local communities and they feed predators that would otherwise switch to livestock if elk were not present on the landscape. By closing some roads on public lands and creating secure habitat for elk, we can begin to alleviate some of the damage to private ranch and farm lands, while restoring access to elk for those who wish to watch or hunt them.

It is my hope that more reasonable minds prevail and realize that what is good for wildlife is good for our rural communities in Northeast Oregon. Thoughtful decision making that balances both consideration of public needs and peer-reviewed science is what will provide the greatest benefit for people and our public lands for generations to come.

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