

OUR VIEW

Worries about the river act

Oregon's U.S. senators, Ron Wyden and Jeff Merkley, cleverly included the word "Democracy" in their bill, introduced a year ago and pending in Congress, that would nearly triple the mileage of waterways in the state under the federal Wild and Scenic Rivers system.

That august word, so beloved in America, tends to burnish whatever it's applied to.

But although the senators used the democratic tactic of soliciting suggestions from the public about which streams to include in their River Democracy Act, that's not the most appropriate method when it comes to potentially imposing federal protection, and the associated potential restrictions, on an estimated 3 million acres (based on the proposed mile-wide corridor along the included streams).

Critics point out that some streams scarcely qualify as such since they might not carry water year-round.

The 1968 Wild and Scenic Rivers Act is intended to protect rivers that have "outstanding natural, cultural and recreational values in a free-flowing condition" — "flowing" obviously requires water.

And although another key word in the 1968 Act — "outstanding" — is decidedly subjective, the senators should use more informed criteria in crafting their bill than the preferences of a minuscule percentage of the state's population. Wyden and Merkley said they received nominations from about 2,500 Oregonians.

Protecting streams is a worthwhile goal, to be sure. And designating streams under the Wild and Scenic Rivers Act does not restrict activities on adjacent public land (private land isn't affected) nearly as stringently as another federal law, the Wilderness Act.

Yet the bill would prohibit new mining permits on public land in the corridors along designated streams (existing permits would be grandfathered in, according to Wyden's spokesperson, Hank Stern).

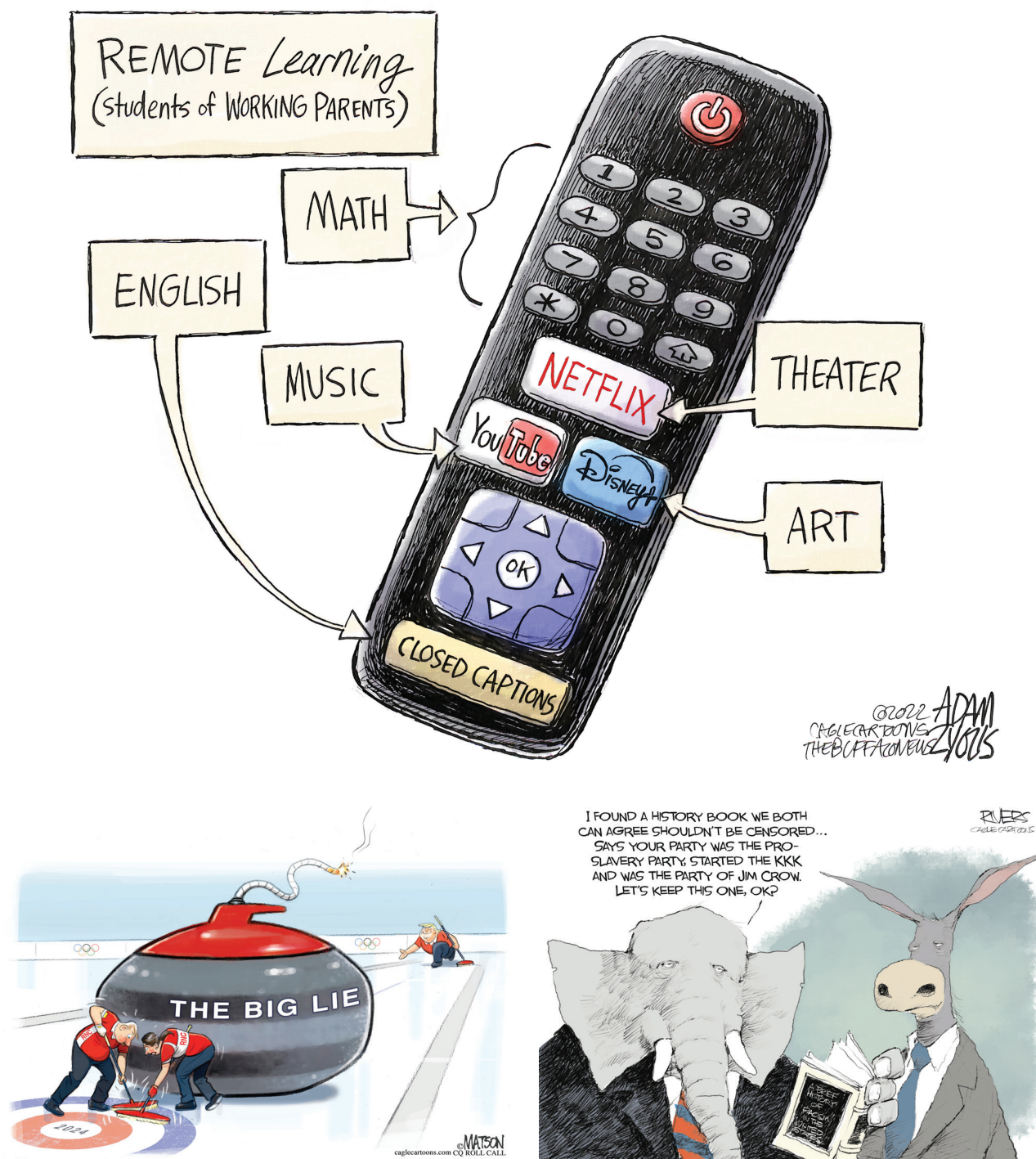
The bill also could thwart efforts to thin overcrowded forests. That's a problem rife in the Blue Mountains and one that increases the risk of catastrophic wildfires that would sully any values, outstanding or otherwise, that a stream has.

Wyden points out that the River Democracy Act would not prohibit logging in stream corridors to reduce the risk of wildfires. He also notes that reducing fire risk, with a focus on using prescribed fire to curb fuel loads, is among his chief goals for public lands. The bill also would require agencies that manage designated corridors — primarily the Forest Service and Bureau of Land Management — to assess wildfire risks in each corridor.

That all sounds promising. But it's hardly far-fetched to fret that a Wild and Scenic River designation would embolden environmental groups to legally challenge reasonable thinning projects under the guise that such work would harm the corridor's "outstanding" values.

And prescribed fire, though a valuable tool whose use should be expanded on public land, in many places must be preceded by tree-cutting, lest the "managed" fire do more harm than good.

Ultimately, the River Democracy Act is a bit premature. Rather than giving federal protection to 4,700 miles of streams in one fell swoop, and then figuring out later not only how to manage them but whether they actually met the standards of the Wild and Scenic Rivers Act, Wyden and Merkley should call for a more thorough study of the nominated segments and present a refined list in future legislation.



Legislature returns with 'wacky' reputation

DICK HUGHES
OTHER VIEWS

The Oregon Legislature came back to Salem last week and quickly fulfilled its increasingly wacky reputation.

On the opening day of the 2022 session, the state House was testy, the Senate more collegial.

The contentious issue of farm-worker overtime, which I discussed in last week's column, illustrates how the political mood differs in the Senate and House. Sponsored by urban Democrats, House Bill 4002 resides in the House Business and Labor Committee, chaired by state Rep. Paul Holvey, D-Eugene.

But let's start in the Senate, where lawmakers got down to business right away while folks in the House were milling around.

Sen. Bill Hansell, R-Athena, said that if overtime is to be mandated for agricultural employees, it must be done right. He gave a remonstrance — a brief floor speech — in which he thanked Senate President Peter Courtney, D-Salem, for meeting with agricultural producers from Hansell's Senate district to discuss the issue. Hansell pledged to work collaboratively toward "victory" and quoted Courtney:

"It really resonated with me and the (producers) that you said, 'When it comes to legislation, you can have a win or you can have a victory. A win is when one party crams something down and it's not bipartisan when we end up with a vote. A victory is when we work on good policy to bring (people) together and we have a bill that will be supported on both sides of the aisle and also in both chambers.'"

Advocates are using the courts, the Legislature and the Oregon Bureau of Labor and Industries to push for agricultural overtime. In

the House, rural Republicans pushed back in their remonstrances.

Rep. Daniel Bonham, R-The Dalles, said the latest work group on the topic fell apart because the advocates were not motivated to find a legislative solution. Rep. Shelly Boshart Davis, R-Albany, read an editorial from the Capital Press and echoed a colleague's call for an honest, intellectual conversation.

Here are more tidbits from the first week's wonders and wackiness:

The State Capitol finally was open to the public for a legislative session. Sort of.

For the first time, metal detectors greeted anyone entering the Capitol, although Bonham reportedly came through a different door and accidentally evaded them.

Masks are required in the Capitol due to the public health protocols, which led to disagreements between anti-mask protesters and Oregon State Police. On Wednesday, officials disputed media reports that individuals who claimed religious exemptions were allowed in without masks.

An email to the "Capitol Community" from Legislative Administration and the state police said: "There is no religious exemption to the masking requirement, and no one claiming solely such an exemption was permitted to enter the Capitol."

A small number of people, however, requested accommodation under the Americans with Disabilities Act.

House Republicans questioned the mask mandate, especially that they had to wear one even while speaking. The Oregon Capital Chronicle reported that Rep. E. Werner Reschke, R-Klamath Falls, "stood off the House floor without a mask and popped his head in to vote. But he avoided the kind of show-down that ended a December special session, when Courtney had a Senate Republican escorted from the chamber by (Senate staff) for not wearing a mask."

That senator, Dallas Heard, of Roseburg, was not in the Senate on opening day.

The public could watch the opening session from the House gallery. In the Senate, due to COVID-19 concerns, Courtney reversed course and closed the chamber to the public.

For the same reason, legislative committees are operating remotely via video conference and phone. The legislative IT system remained intact, but the Capitol Wi-Fi network used by the public crashed early in the week.

Rep. Dan Rayfield, D-Corvallis, was elected House speaker with only one vote to spare. Democrats and Republicans alike then gave him three standing ovations, including one after his poignant speech that detailed his rough growing up.

COVID-19 concerns hung over the Capitol throughout the week. Courtney canceled the Senate's second floor session, scheduled for Thursday, Feb. 3. Two senators came anyway — Kathleen Taylor, D-Portland, and Fred Girod, R-Lyons — since the Oregon Constitution required Courtney to go through the motions of starting and adjourning the floor session.

Gov. Kate Brown delivered her final State of the State speech live on YouTube instead of the traditional appearance before a House chamber packed with representatives, senators, judges, past governors, other luminaries, the public and journalists. She also did not hold a press conference afterward, either online or in person, to take questions.

Brown took the high road in her half-hour speech, never referring to her critics. But they tuned in, filling the accompanying YouTube chat with often-snarky comments about her mask mandates and other perceived missteps.

Dick Hughes has been covering the Oregon political scene since 1976.

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