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Opinion

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OUR VIEW

California immigration proposal skirts real issue

The California Assembly has passed a measure that would grant work permits for illegal immigrants residing in California and working in agriculture.

It is a sincere, but wrongheaded, effort.

Under AB 20, the workers, their spouses and children would be allowed to remain in the state without fear of deportation as long as they perform a minimum

amount of farm labor and have not been convicted of a felony or three misdemeanors.

The bill, which has not been passed by the Senate, seeks authority from the U.S. Department of Homeland Security and the Department of Justice to implement the program.

We empathize with growers and processors who can't get enough legal workers for their operations.

We share the frustrations of many over the inability, or unwillingness, of Congress to tackle the problem.

But, this effort violates the U.S. Constitution, which gives Congress authority over immigration.

Individual states are pre-empted from implementing their own immigration rules separate from federal law. There are no provisions in immigration laws passed by Congress giving the Department

of Homeland Security or other executive branch agencies authority to grant work permits to illegal immigrants.

We have the same opinion of the Obama administration's efforts to authorize work permits for illegal immigrants who have children born in the U.S. The executive branch has no power to make legal what Congress has made illegal by statute.

Rather than an extralegal solution, growers, processors and advocates for the illegal immigrants must press Congress to change the law.

We realize that's no small feat. But more expedient, extralegal solutions are not the answer, if for no other reason than when the expedient becomes the rule it's all too easy for the Constitution and its safeguards to be trampled in the rush.

OUR VIEW



Rik Dalvit/For the Capital Press

WOTUS rule muddies the water

Let's just cut to the chase. The new rule on the Waters of the U.S. needs to be rewritten. The sooner the Environmental Protection Agency and the U.S. Army Corps of Engineers do that, the better.

The 73-page rule, which was supposed to clarify certain aspects of the Clean Water Act, doesn't do that. If anything, it raises more questions than it clarifies. Most troubling is the fact that any interpretations of the WOTUS rule are left to agency staff members. Landowners have no means of appealing those interpretations without going to court.

This is among the many shortcomings pointed out in the 12 lawsuits filed so far against the EPA and the Corps over the rule. Among the plaintiffs are 28 states, ranchers, farmers, environmentalists. ... Pretty soon you'll see bumper stickers reading, "Honk if you've sued over WOTUS."

Such complaints and reservations were voiced all through the public comment period for the rule. If EPA and Corps officials read the comments, they sure didn't do enough about them.

Other agencies listen to the public.

When the Food and Drug Administration overstepped its authority in writing the regulation for the Food Safety Modernization Act on irrigation water for onions and handling spent distillers grains, its bigwigs at least went to farmers and others who were impacted and listened to them.

Not the EPA and Corps, which apparently sought to establish an air of infallibility for themselves. The EPA and Corps are telling all farmers, ranchers and other landowners, "Trust us." That's not good enough. Trust is earned.

Considering the EPA's track record on such matters, blind trust would require a leap of faith. After all, this is the agency whose bigwigs maintained off-the-record email accounts that apparently served as hotlines to their friends in environmental groups. This was also the agency that insisted on closed-door meetings about rules on dust. Yes, dust. Apparently, even the most mundane issue is worthy of secrecy and intrigue for the EPA.

We assume that not everyone at the EPA is secretive and has a personal agenda. But we also understand that such an assumption does not derive from some past activities.

Last spring, EPA Administrator Gina McCarthy characterized the problem with the WOTUS rule as being primarily related to public relations.

"...I want to tell you up front that I wish we had done a better job of rolling out our Clean Water Rule — from calling it WOTUS instead of the Clean Water Rule, to not being more crystal clear out of the gate about what we were and were not proposing, to not talking to all of you and others before we put out the interpretive rule," she told the National Farmers Union.

But this battle is not about public relations. It's about good public policy that is clearly stated in a way that everyone can understand. It's also about providing a means for citizens to appeal staff interpretations of the rule.

That's what WOTUS — or the Clean Water Rule — lacks.

The EPA and Corps can do the right thing. They can go back and consider the more than 1 million public comments that flooded into their offices suggesting improvements to the WOTUS rule.

Or they can wait until a judge orders them to fix it.

OUR VIEW

Oregon's Bushue top Farm Bureau contender

Bob Stallman, a Texas rice and cattle producer, says he'll step down in January as president of the American Farm Bureau Federation after a 16-year tenure.

By all accounts Stallman has been an effective and passionate advocate for the interests of American farmers and ranchers. He will leave big shoes to fill.

So the race is on. Four state presidents have announced they will run to succeed Stallman — Kevin Rogers of Arizona, Zippy Duvall of Georgia, Don Villwock of Indiana, and Barry Bushue of Oregon.

We give an early nod to Bushue, who also serves as first vice president of the national organization.

Bushue grows vegetables, flowers and pumpkins on his farm in Multnomah County. He was first elected state president in 1999. In that role, as have his opponents in their states, Bushue has been active on numerous

official and unofficial fronts in service to Oregon agriculture.

Oregon, however, has been at the center of contentious national issues involving genetically modified organisms, labor policy, immigration, trade and water. Bushue ensured Farm Bureau was in the forefront advocating for the interests of farmers and ranchers.

As vice president of the American Farm Bureau, he has also been active on the national stage as a member of various boards and task forces.

Stallman's successor will be selected in January by the voting delegates from each state at the American Farm Bureau Federation's annual convention in Orlando, Fla.

We are admittedly ignorant of internal Farm Bureau politics. We concede that any of the candidates would do a fine job. But we know Bushue, and think he would do the best job.

Letters policy

Write to us: Capital Press welcomes letters to the editor on issues of interest to farmers, ranchers and the agribusiness community.

Letters policy: Please limit letters to 300 words and include your home address and a daytime telephone number with your submission. Longer pieces, 500-750 words, may be considered as guest commentary pieces for use on the opinion pages. Guest commentary submissions should also include a photograph of the author.

Send letters via email to opinions@capitalpress.com. E-mailed letters are preferred and require less time to process, which could result in quicker publication. Letters may also be sent to P.O. Box 2048, Salem, OR 97308; or by fax to 503-370-4383.

New forest supervisor, same excuses from Wallowa-Whitman

By JOHN GEORGE
For the Capital Press

Guest
comment
John George



The Wallowa-Whitman National Forest is fully into another year of planning, and never so self-evident as shown by the "guest comment" submitted by Tom Montoya in the Capital Press. The current planning process on the forest is to test the waters, hope the public is not paying attention, and wait for light public response at meetings throughout the region.

The Forest Service has started its re-engagement with local communities on the forest plan revision, focusing on access, grazing and pace and scale of restoration. In total 1,094 official comments were received for the forest plan revision, with residents speaking out about the restriction of motorized access in the Blue Mountains through the designation of routes (closure of cross coun-

try travel) and reduction of road densities (closure/obliteration of historic roads). The forests have participated in meetings and so far have brought nothing new to the public.

While the forests do not have all the meetings scheduled, I do appreciate them working on meeting with the public. Each meeting held so far has had a very strong call for the forests to develop a forest plan that retains and protects the current level of open motorized access to the WWNF and Malheur, as well as to reinstate an open motorized access system to the Umatilla.

Most concerning is the WWNF continued development of Subpart A report of the Motorized Use Restriction

Strategy. Subpart A is an internally driven decision, developed by a specialist at the supervisor's office that identifies the minimum roads needed to "administer" the forest. Mr. Montoya makes it very clear that the Subpart A report is "not a decision" document, however, his supervisor disagrees with him.

On June 12, 2015, Mr. Pena wrote in a response to my Freedom of Information Act (FOIA) request he was denying the request per Exemption 5 "to prevent injury to the quality of the agency decisions" an exemption claimed to protect a government decision, which Mr. Montoya claims is not a decision.

What is sold to the public as a flexible report actually becomes a noose around the neck of rural communities as road closures and motorized use restrictions spring forth from this internally developed, agenda-driven docu-

ment. This model has been used throughout the West, and is now rearing its head in Eastern Oregon in an attempt to restrict human interaction on the landscape, per the draft forest plan revision.

The road system identified under the Subpart A report would be the minimum roads needed to meet the current forest plan's objectives, but does not have in its development any official public input combining the management objectives with the rural communities' needs to access resources in the region. The recommendations from the Subpart A report will serve as a "spring board" to the Subpart B plan (closure of cross country travel) that is scheduled to take place in 2016, and assist in moving the people towards a "closed forest" system for motorized access.

Residents expect to be involved in the process of developing the report, we will not be allowed to see the re-

port until after it's finalized, making it an ineffective tool for the region, except for those that mean to restrict motorized access. The report will serve as a baseline for future site-specific planning efforts to close/decommission roads and restrict open motorized access throughout the region.

Mr. Montoya states he "strongly encourages" further public involvement, but when the public requests to participate, they are told no.

While the WWNF appears to have deferred work on Subpart B, it has not. With work continuing on Subpart A, the larger process of developing a Motorized Use Restriction Strategy is ongoing, and moving forward without public input or involvement, and the WWNF continues to breed hard feelings and mistrust in the public.

Motorized use restrictions have generated a great deal

of debate in Eastern Oregon over the last 8 years, as it should. We have aging residents and families living below the poverty level that are heavily dependent on open access to the resources that make our communities resilient to the adversities of today's world. The WWNF and Region 6 need to understand that the same people that feel sustaining their customs, culture and economic sustainability are important, are the same people that cherish the natural resources around them.

The people openly accept the opportunity to engage with the WWNF and Region 6 on the Motorized Access Restriction Strategy and Forest Plan Revision, but must be fully included, and not brought into the process after plans are developed, as is currently being done.

John George is a native Eastern Oregonian and member of Forest Access For All.