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Opinion

Our View

Don't delay immigration reform until 'after the election'

A farm labor leader was in our office the other day, and became the first in this cycle to utter what is now a familiar phrase — immigration reform will have to wait until after the election.

We heard that in 2009 and '10, again in 2011, 2012, 2013 and 2014. We wonder which election everyone is talking about.

Proponents of comprehensive immigration reform have a lot in common with Chicago Cubs fans. Wait 'til next season.

There are some 12 million illegal immigrants in the United States.

All have violated federal law by entering the country illegally. Millions have further submitted fake papers to employers.

More than 300,000 are classified by the U.S. government as "criminal aliens," having been arrested and convicted of a crime here or in their home country.

The vast majority have not committed other crimes, let alone violent felonies. They are regular people trying to escape intolerable conditions at home. They work, illegally, at jobs in agriculture, hospitality and construction that employers say they otherwise would be hard pressed to fill.

What do we do with 12 million illegal immigrants? As we've said many times, in simplest terms there are only two choices. Either we let them stay, or make them go.

The next election won't produce new choices, or decisively eliminate the opposition to either choice.

Most Americans would concede that such a large, undocumented population running at large represents a substantial security threat, as does an unsecured border that has proven so porous. At the same time, even many Americans who would be happy with the repatriation of these people to their home countries aren't comfortable with the optics of men, women and children being rounded up and herded into camps to await deportation.

A recent poll by the Pew Research Center shows that 72 percent of Americans favor allowing illegal immigrants now living in the country to stay if they meet strict requirements.

So do we. Let's do it now.

Congress must offer illegal immigrants willing to register temporary legal status and a path to permanent residency after 10 years if they meet strict requirements — no prior felony convictions, no violations while awaiting residency, learning to speak English and pay a fine and back taxes. Those not meeting the requirement should be deported.

As penalty for entering illegally, those made permanent residents should not be eligible for citizenship.

We think the border must be secured. A viable guestworker program must be established, and employers must verify the work status of their employees.

It is legitimate to oppose mass illegality, and we respect the position of those who would take a harder line and suggest we favor "amnesty." Let us reason together on a workable solution.

Waiting until after the next election, or the election after that, to end up with the status quo is de facto amnesty without any restriction.

Our View

State pays to keep wolf issue at bay

The Washington Department of Fish and Wildlife is making another investment in secrecy with its decision to spend more than $850,000 on a wolf consultant who insists on meeting behind closed doors.

The "Wizard of Oz" comes to mind. Whatever goes on behind the curtain is, well, magic. Just by clicking her heels she can help environmentalists, ranchers, hunters and others find the yellow brick road to coexistence.

Through the centuries, Americans have insisted that the public's business be done in public. Discussing wolf policy in Washington state is somehow exempt from that concept, according to Fish and Wildlife managers.

There are two ways to look at this decision.

One is that department managers really do hope she can somehow convince Washington citizens that they don't want to know anything more about the issues related to wolf management.

Apparently, the concept of a well-informed citizenry is highly overrated. If the department can feed the public only what it believes they need to know, everything will be much better.

Another way to look at it is the bigwigs in Olympia just wanted to get rid of the wolf issue and stroked a check to get it off their desks.

If she succeeds in getting all sides of the wolf issue to hold hands and build a bridge to each other's heart, they'll all be heroes.

Rik Dalvit/For the Capital Press

If the effort fails, the Olympia crowd can say they tried but, dang it, it just didn't work out.

Either viewpoint is highly cynical, we will readily admit. We're always cynical about secrecy.

But the only other way to view this is to put on our rose-colored glasses, jump on a unicorn and ride into the sunset, crossing our fingers that whatever happens in secret will be for the good of all.

Wolf management is not a secret, and it's not magic. And, believe it or not, Washington is not the first state to deal with gray wolves. Idaho did it. Oregon did it. Montana did it. Canada has more than 50,000 wolves — 10,000 are in British Columbia alone — and somehow its leaders have managed the wolves.

What, exactly, makes Washington so special?

Wolves are not typical endangered species. They are predators, prolific, highly mobile and can fend for themselves.

These qualities alone call for managing them differently that other protected species.

And the fact that some of them prey on livestock, threatening the financial well-being of ranch families, many who have lived off the land for generations, makes it that much more important for wildlife managers to do their job, not shovel it off to high-paid consultants who hide behind closed doors.

Lawsuit stops land management beneficial to sage grouse

By STEVE GRASTY
For the Capital Press

Guest comment
Steve Grasty

You have got to be kidding me.

Many of us in Eastern Oregon have invested thousands of hours into staving off another listing of an endangered species which could be devastating to rural Oregon's communities, the greater sage grouse.

Many conservation groups, soil and water conservation districts and hundreds of concerned citizens have been involved. Private landowners voluntarily designed and began implementing conservation agreements with the U.S. Fish and Wildlife Service on more than a half-million acres of private land. Our ranching families committed to manage their land in the way they always have, towards good conservation.

The federal Bureau of Land Management completed a plan to manage land they oversee. The governor's Sagecon effort worked towards an Oregon Solution.

All these efforts were collaborative. We will end up with an Oregon Plan and hopefully we can do the things that make healthy lands and healthy communities. A real success story for all.

Sage grouse will benefit from this collaborative effort. The threats in Oregon are described by the USFWS as invasive weeds, fire and juniper encroachment. In Harney County, Ore., a collaborative group worked with the BLM to address juniper encroachment. A plan was developed, the community and neighbors supported the project, a contract was awarded, investments were made and work started. A very progressive effort by the local community.

In the face of this effort, one conservation group filed litigation arguing against the methods and size of the project. Seven years later, the juniper in the entire project is still awaiting removal pending the litigation. The federal court imposed an injunction, stopping the project. While the litigant acknowledged that the project was an ecosystem restoration project, it nonetheless chose litigation over ecosystem restoration.

The BLM considered off-road vehicles a tool to enable the removal of juniper; the conservation group argued that mechanized vehicles should be banned. One has to assume that group thought the project could continue without off-road vehicles, could pile and burn without the off-road vehicles, and could safely burn without the protections afforded by vehicles. Given the current fire conditions, it would be gross negligence to send crews in with the absence of fire control tools.

To the community in Harney County, we had to ask the question: Why? We collaborated, we identified the need to address the juniper encroachment, we thought we had all the parties at the table and we were working to improve/sustain rangeland health in our backyard, so why litigate?

I suspect part of the issue for the group is the wilderness study area, but juniper removal will increase wilderness characteristics. Perhaps they will suggest removing juniper with fire, but I caution all not to suggest fire in Eastern Oregon in light of last week's 43 homes lost in Grant County.

Or you will be told that juniper removal is ecological restoration, not administrative work, which just leaves me confused as that is the project and the reason we all advocated for it.

To accomplish restoration in a broad enough area to be effective there is a need to cover a lot of ground quickly, the actual removal of the juniper is critical. Following all restoration work with an after action recovery plan will address and restore impacts.

The district court agreed with the litigant and forbid the BLM from using mechanized equipment to remove juniper. Is this what Congress intended in the Steens Act when it emphasized the need for juniper removal? Now 80,000 acres of juniper removal is unlikely to move ahead. Sage grouse habitat will not be restored.

Will the message from the litigants be "we won" in protecting wilderness? When the real message is "We have created so many special designations that we have effectively abdicated land management." Our communities, our landscape and our wildlife deserve better than this.

Communities are maintaining the ecology we enjoy and our residents are the ones doing the restoration work. Should single groups use litigation to control land management in opposition to science-based ecological restoration?

In rural Oregon we need your assistance; we are overwhelmed by professional litigators who take away from communities and the environment. Please consider getting involved.

Two questions we might consider:

Is it time to demand Congress set a standard as to what actions can and cannot occur within wilderness study areas, particularly as we deal with endangered species?

Are we satisfied with a process where litigation is driving land management decisions on public land?

My statement stands, we are going to stop ecological restoration in the name of making a legal point....

You have to be kidding me!

Steve Grasty is the county judge in Harney County, Ore.

Farmer sues EPA to protect his stock pond — and his freedom

By JONATHAN WOOD
For the Capital Press

Guest comment
Jonathan Wood

A Wyoming farmer needed to build a stock pond to provide water for his livestock. But, in discussions with state and county permitting departments, he decided that he'd also make sure his pond provided broader environmental benefits. The pond that he built now provides habitat for fish, moose and a bald eagle. It created wetlands where there'd been none. And it filters the water that passes through it, by allowing sediment and other materials to settle.

This sounds praiseworthy, right? You'd think so. But that's probably because you aren't familiar with the myriad ways that federal bureaucrats abuse the hopelessly vague and far-reaching Clean Water Act. Instead of praising Andy Johnson — the farmer, from Fort Bridger, Wyoming — EPA sent him an order accusing him of violating that statute and threatening him with $37,500 per day in fines unless he removed the pond and let EPA dictate how he uses his property.

The intentions behind the Clean Water Act were undeniably good. It sought to protect major waterways — referred to as "navigable waters" in the Act — from pollution. But EPA and the Army Corps of Engineers have stretched the statute far beyond anything Congress could have intended.

As Supreme Court Justice Samuel Alito put it: "The combination of the uncertain reach of the Clean Water Act and the draconian penalties imposed for … violations … leaves most property owners with little practical alternative but to dance to the EPA's tune."

Johnson's case is a particularly stark example of that abuse not only because he did something that was good for the environment and clean water but also because the Clean Water Act expressly says that stock ponds like his are exempt from the statute's elaborate — i.e. expensive and time-consuming — permit regime.

But that didn't stop EPA from threatening Johnson with massive fines, which in the year he's spent trying to explain to EPA that it has overstepped have already grown to more than $16 million.

That's pretty terrifying for a small hardworking farmer trying to provide for his growing family. And that's the point. Johnson is only the latest in a long line of property owners whom EPA has tried to strong-arm with illegal compliance orders.

Until recently, EPA got away with this by barring people from challenging these orders. But three years ago, in a case brought by Pacific Legal Foundation, the Supreme Court of the United States held that every property owner subjected to such threats is entitled to a day in court.

Since that decision, EPA has been sued numerous times for abusive compliance orders and often backed down rather than defending its illegal actions. For instance, two years ago, Pacific Legal Foundation represented a New Mexico property owner who removed trash from a dry ditch that crossed his property, only to be threatened by EPA. According to the agency, the ditch — in the middle of the desert — was a "water of the United States."

You read that right. Shortly after the complaint was filed, EPA caved. Makes you wonder how much the agency abused compliance orders during the decades when property owners had no right to challenge them, doesn't it?

Johnson too is taking EPA to task. Also represented by Pacific Legal Foundation, he recently filed a lawsuit against the agency arguing that his pond is exempt from the Clean Water Act and the compliance order's threats of ruinous fines for creating an environmental benefit are absurd and illegal.

Johnson isn't only standing up for himself, though. He's also fighting so that other farmers and ranchers who rely on the Clean Water Act's exemption for their ponds can't be bullied by federal bureaucrats.

This is no small ordeal. Every day that passes before the courts finally strike down this compliance order is another $37,500 hanging over Johnson's head. If this case goes all the way up to the Supreme Court — as many such important cases do — he will likely be facing tens of millions dollars in fines, all for creating an environmentally friendly pond on his private property. Something has gone terribly wrong when a statute intended to clean up our waters is being used to threaten someone for doing just that.

Jonathan Wood is a staff attorney with Pacific Legal Foundation, and lead counsel in PLF's lawsuit against the EPA on behalf of Andy Johnson.