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Opinion

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OUR VIEW

Congress should speak up against EPA boondoggle

The silence has been deafening. When the Environmental Protection Agency's financial participation in a smear campaign against Washington state farmers was discovered, not a single member of that state's congressional delegation spoke up.

Even more interestingly, the only two members of Congress to voice their concerns about the propriety of nearly \$600,000 in federal money going toward a public-relations attack on farmers were from the Midwest.

"We are troubled to learn that EPA's financial assistance appears to improperly fund an advocacy campaign in Washington state that unfairly targets and demonizes

farmers and ranchers," wrote Kansas Sen. Pat Roberts and Oklahoma Sen. Jim Inhofe.

"This disturbing billboard is a bold example of exactly what America's farmers and ranchers complain about all the time: the EPA has an agenda antagonistic to producers," Roberts said in a separate statement.

One would think that members of Congress from Washington state would be leading the charge to stop such shenanigans, which were fronted by a coalition of environmental groups and the Northwest Indian Fisheries Commission called What's Upstream and funded by the EPA.

Here's the statement Washington Sens. Maria Cantwell and Patty

Murray issued about the billboards, website and advertising: (Nothing).

We're not picking on Washington's two senators. The rest of the congressional delegation was silent on the issue, too.

We have to wonder what their reaction would be if the EPA spent tax dollars to attack Boeing or Microsoft. Most likely, the senators and representatives would have the EPA administrator on the phone right now.

Maybe we missed their outrage, but we can only presume members of Washington's congressional delegation were too busy elsewhere to allow themselves to be distracted by a federal agency using taxpayer money to attack Washington farmers in an effort to

influence Congress and the state legislature.

Maybe that's the way of the world. When election time comes around, the politicians pat farmers and ranchers on the head — and ask them for campaign contributions — but when the going gets tough, well, there are often other "more important" things to do.

With a few isolated exceptions, we see it in Oregon and California, too. Agriculture is too often forced to sit in the back of the bus. Only in Idaho do members of Congress seem to consistently keep their eye on agriculture's interests.

Some say Roberts and Inhofe, both Republicans, were just using the What's Upstream boondoggle

to take a potshot at a high-profile agency in a Democratic administration. They see it as a "R versus D" issue — Republican versus Democrat.

We see it differently. We see it as an "R versus W" issue — Right versus Wrong.

And apparently, any fair-minded person who's taken the time to look at the issue agrees with us.

We urge West Coast members of Congress to step up their efforts to protect farmers and ranchers from the EPA and other overzealous federal agencies that use taxpayer money to try to put them out of business.

If they need a list of those agencies, we can provide one.



Rik Dalvit/For the Capital Press

OUR VIEW

Supreme Court to decide strong-arm case

The problem with the American regulatory state is that the regulators have established rules designed to force the compliance of the regulated and to deprive them of due process in an impartial court.

A case heard last month by the U.S. Supreme Court hopefully will build on earlier decisions that make it easier for property owners to challenge agency decisions in federal court.

In *Hawkes Co. Inc. v. Corps of Engineers*, the question of judicial review rests on whether a determination by the U.S. Army Corps of Engineers that it has jurisdiction over property under the Clean Water Act is a final agency action subject to challenge, or merely an opinion a property owner can consider and disregard, albeit at future peril.

Hawkes Co. planned to mine peat moss on wetland property it owned in Minnesota. After numerous meetings with the company and visits to the site, the Corps concluded that there was a significant nexus between the site and the Red River of the North, waters of the U.S. as defined by the Clean Water Act, some 120 miles away.

It made a jurisdictional

determination that a permit would be required before the company could move forward.

According to the Corps, this left Hawkes with only three options. It could abandon the project. It could perform the necessary environmental impact studies, which take several years and cost hundreds of thousands of dollars, and apply for a permit. It could ignore the determination and proceed with the project and defend itself if prosecuted.

What it could not do is contest the determination in court because, according to the Corps, its jurisdictional determination was not a final government action under the Administrative Procedures Act because it neither compelled Hawkes to do anything, nor restricted its actions. In short, the company had "adequate remedies" available that preclude litigation.

The Corps is twisting the language to force compliance without judicial review. It knows that with such a determination any reasonable property owner will either give up entirely or go through the time and expense of the permitting process. It would be extremely foolish to go forward

without a permit and risk criminal prosecution and the ruinous financial penalties attached to a possible guilty verdict.

It's a cheap bit of extortion, not unlike how the Chicago mob sells protection.

The 8th U.S. Circuit Court of Appeals agreed, in only slightly less inflammatory tones.

"The Corps' assertion that the Revised J.D. is merely advisory and has no more effect than an environmental consultant's opinion ignores reality," it wrote.

By not allowing immediate judicial review, it wrote, the Corps achieves the result it desires without testing its assertion of jurisdiction.

In unanimously deciding a similar case, the Supreme Court was more direct.

"[T]here is no reason to think that the Clean Water Act was uniquely designed to enable the strong-arming of regulated parties into 'voluntary compliance' without the opportunity for judicial review...."

We think the court will side with the plaintiffs. The Corps' assertion is clearly a distinction without a difference.

Terrorism a real threat to U.S. agriculture

By STEWART TRUELSEN
For the Capital Press

Guest
comment
Stewart Truelsen



There are some things you should not read at bedtime. One of them is The Worldwide Threat Assessment by the U.S. Intelligence Community, an annual report of threats to the United States.

In testimony before Congress, Director of National Intelligence James Clapper said, "In my 50-plus years in the intelligence business I cannot recall a more diverse array of crises and challenges than we face today."

Clapper warned that home-grown extremists are probably the most significant terrorist threat to the homeland this year. In other words, the U.S. faces attacks similar to last December's in San Bernardino, Calif., that left 14 dead and 22 wounded.

The entire report is even more disturbing. In short, the United States and its assets around the world are facing a multiplicity of threats from terrorist organizations and states like North Korea. These enemies are busy devising new weapons and strategies.

Hopefully, they will never get to use them, but make no mistake about it, no part of our country or sectors of the economy are off-limits to terrorists. This includes rural America and U.S. agriculture.

Former Georgia Sen. Saxby Chambliss received the Distinguished Service to Agriculture award from the American Farm Bureau Federation this year. In addition to his accomplishments in food and agriculture, he played an important role in homeland security and intelligence gathering. He does not assume terrorists will overlook U.S. food and agriculture.

"We have to make sure that America always has a safe supply of food as well as a safe supply of water. Those are somewhat easy targets for the terrorist community to look at," he says. "There is no question that food security is a very vital part of national security and a vital part of what we look at from a counter-terrorism standpoint in the

intelligence community every day."

After 9/11, agro-terrorism became more of a concern. A white paper written in 2002 by University of Minnesota economics professor C. Ford Runge outlined threats to livestock and crops from biological weapons.

Among top concerns were the introduction of foot-and-mouth disease in feedlots and the spread of deadly pathogens, like anthrax, on fruit and vegetables. Another threat was the contamination of corn and soybean oil to disrupt all downstream users and manufacturers of processed foods.

Runge concluded in 2002 that it would be hard for terrorists to do serious damage to the American food system because of its diffuse nature. It's so big and spread out.

However, it would still be possible for terrorists to cause widespread consumer panic, loss of trade and economic harm.

The current threat analysis raises greater concern for weapons of mass destruction, like ones that could be used against agricultural production and water supplies.

The report says, "Research in genome editing conducted by countries with different regulatory or ethical standards than those of Western countries probably increases the risk of the creation of potentially harmful biological agents or products."

That is why Farm Bureau continues to support protecting our nation's food, fiber and water supply and critical industrial agricultural materials, in addition to encouraging farmers and public agencies to recognize the importance of adopting biosecurity measures.

Stewart Truelsen, a food and agriculture freelance writer, is a regular contributor to the Farm Bureau's *Focus on Agriculture* series.

Readers' views

Coming together to find solutions for public lands

It has become clear over the past few months that we all love the Owyhee Canyonlands. Whether it is how we make our living through ranching and grazing, for hunting and fishing, or hiking and rafting, this place has a special meaning for all of us. And whether we live in Deschutes, Multnomah or Malheur County like me, how the Owyhee is protected is

important to all of us.

As Oregonians, we all want to be part of the dialogue about the future of the Owyhee. That's why recent comments by individuals with no connection to the longstanding work to come together on permanently protecting the Owyhee (Capital Press editorial, March 24, 2016) were so disappointing.

I choose to live and work in Malheur County, and I love the Owyhee. I want to see it protected for future generations, and that is why I am calling on our Sens. Ron

Wyden and Jeff Merkley to introduce legislation to safeguard its rivers, canyons and sagebrush expanses.

As Oregonians, we should come together to discuss solutions that will protect all of the area's values and uses for both current and future generations. There are many diverse views on the protection of the Owyhee Canyonlands. In fact, the Coalition to protect the Owyhee numbers in the thousands, buoyed by veterans, small business owners and citizens from every corner of the state, not

just a voice or two.

Efforts to permanently protect Oregon's Owyhee Canyonlands have been ongoing for decades. The Owyhee Coalition has and will continue to reach out to Oregonians across the state — including Malheur County and Eastern Oregon — to try to address the diverse views we all have about the future of our public lands. By focusing on our shared love for this place and working together, we can find solutions to ensure the Owyhee of today will be the one we all

pass on to our children and grandchildren.

Tim Davis
Ontario, Ore.

Carbon tax hurts working class most

Here we go again. Alexandra Amonette believes global warming is caused by our greenhouse gas emissions from the use of fossil fuel.

I believe it is caused by the sun. Neither theory can be proved. So we are at square one. Except she wants the gov-

ernment to create a new bureaucracy to tax the businesses that supply fossil fuel. Then give that money back to the consumers who use the energy derived tax.

Where is the common sense in that? The businesses will just pass the cost of the new tax on to the working class, the low income and retired seniors. The 1 percent will not be affected by this tax, only 99 percent. Thanks a lot for your compassion, Alexandra, are you one of the 1 percent?

Larry Pederson
Carson City, Nev.