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# Opinion

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## OUR VIEW

# About that new BLM plan for making plans ...

When the Trump administration gets in the saddle Jan. 20 one of the first items on its "To Do" list should be tossing the Bureau of Land Management's new Plan for Making Plans into the dumpster.

Again, the Interior Department of Sally Jewell has joined the legion of other bureaucrats in generating massive plans, rules and regulations that completely overwhelm their targets. The BLM's "Planning 2.0" rule joins the Waters of the United States regulations and the Food Safety Modernization Act as telephone book-sized icons of overregulation.

Planning 2.0 is 367 pages of bureaucratized that shrouds what should be a simple process in, well, more process.

The federal government owns plenty of public lands — too much, in our opinion. The BLM



Courtesy of Public Lands Council  
Cattle and greater sage grouse share public land in Idaho. Grazing advocates are concerned about changes to the Bureau of Land Management planning process, which were released in final form Dec. 1.

alone manages 245 million acres in 12 Western states. That's 10 percent of the land in the U.S.

Come to think of it, what, exactly, is the purpose of planning how to deal with every square inch of what the federal government owns?

We may be naive — we've been called worse — but local BLM managers, in conjunction with local residents and local government officials ought to be

able to work out any "plans" they need.

Note the word "local." The federal bureaucracy can best be described as a 3,000-mile-long screwdriver that tells local agency managers what to do. We believe those managers should be allowed to actually manage land. That's what they're paid for, not sponsoring dog-and-pony shows for the benefit of the Washington, D.C. crowd.

The BLM now says it wants to be fleet afoot.

"Under the current system, it takes an average of eight years for the BLM to finish a land use plan. Too often, by the time we've completed a plan, community priorities have evolved and conditions on the ground have changed as well," BLM director Neil Kornze said in a press release. "This update to our planning rule allows for a more streamlined process that also increases collaboration and transparency."

So the planning process will shrink from eight years to, what, five years. That's still a lot of paper-shuffling and spinning of wheels.

The plan also puts national environmental groups on equal footing with local residents. It should be noted that many environmental groups apparently seek to set aside every corner of

federal land as nation monuments or parks.

If you doubt it, take a look at the mega-land grabs they have proposed for Oregon. The environmentalists want to designate 2.5 million acres in southeastern Oregon as a national monument — and double the size of another national monument in Southern Oregon.

Just wait until Planning 2.0 opens the floodgates for more of their scheming and dreaming. BLM lands are supposed to be managed for multiple use. What the environmentalists want is the opposite of that. They want exclusive use and the ranchers, many of whom have lived and worked there for generations, can just go away.

It took two years for the folks at BLM to write this new plan for making plans.

That, in our opinion, was time wasted.

## OUR VIEW



President-elect Donald Trump has named fast food executive Andrew Puzder as Labor secretary.

Carolyn Kaster/Associated Press

# Labor, EPA choices offer relief from overregulation

President-elect Donald Trump's nominees to lead the Department of Labor and the Environmental Protection Agency leave farmers and ranchers with little to complain about.

Andrew Puzder, chief executive officer of CKE Restaurants, the parent company of the Hardees and Carl Jr.'s fast food chain, has been nominated for Labor.

Puzder, a lawyer by training, joined the Carl Jr.'s organization in the 1990s and is credited with putting together a deal that solved its financial problems.

Later he helped to buy the Hardees chain, and again came to the rescue when the company fell on hard times a decade or so ago.

Not one to strictly observe political correctness, Puzder is also responsible for the chain's controversial marketing campaign — either a plus or a minus, depending on how you feel about bikini-clad models suggestively devouring hamburgers and chicken sandwiches. We assume all relevant wage and work safety laws were observed.

The New York Times quoted an associate who said Puzder saw "a role for government to provide advice to employers, rather than simply deterrence by 'gotcha'



Scott Pruitt

enforcement." We take that as a sign that the "hot goods" shenanigans the Labor Department has employed in the current administration

won't be tolerated.

Puzder opposed the Obama administration's attempts to double the salary threshold that exempts certain supervisory workers from overtime. While he does not oppose increases in the minimum wage, he has warned that such increases

**We take that as a sign that the "hot goods" shenanigans the Labor Department has employed in the current administration won't be tolerated.**

should not price young people and unskilled workers out of the labor market.

EPA nominee Scott Pruitt, the attorney general of Oklahoma, is probably Trump's most controversial pick at this writing. The Sierra Club compared putting Pruitt in charge of the EPA to putting an arsonist in charge of the fire department.

Pruitt is a tough critic of the agency, and has joined litigation to block what he has termed overreach,

such as the Waters of the U.S. rule.

Perhaps his major sin in the eyes of his critics is that he is not convinced of man's role in the earth's changing climate.

With Alabama Attorney General Luther Strange, Pruitt opposed the efforts of a coalition of Democrat attorneys general to investigate energy companies and think tanks for disputing the science behind the "settled" theory of man-made climate change.

"Reasonable minds can disagree about the science behind global warming, and disagree they do," Pruitt and Strange said in a statement. "This scientific and political debate is healthy, and it should be encouraged.

It should not be silenced with threats of criminal prosecution by those who believe that their position is the only correct one and that all dissenting voices must therefore be intimidated and coerced into silence."

Neither Puzder nor Pruitt deny that there's a role the agencies they've been nominated to lead. But they don't support regulatory overreach, or thuggish and overbearing enforcement actions. They should provide farmers, ranchers and processors with some welcome and justified relief.

# California species protectors don't let facts get in their way

By DAMIEN SCHIFF  
For the Capital Press

Guest  
comment  
Damien Schiff



The California Endangered Species Act is one of the strongest environmental laws in the Golden State.

It's not surprising that the California Legislature wanted to make preservation of at-risk species a top priority. The Act does so principally by forbidding the "take" of any listed species — a regulatory requirement that often can have significant negative effect on property values.

But with the power to impose such heavy burdens comes an important responsibility. The state agencies that administer the California Endangered Species Act must be diligent in ensuring that species that are currently protected do not linger longer than necessary on the lists of protected wildlife and plants.

## Key requirement

Recognizing that, the Legislature inserted into the state's endangered species law the requirement that the Department of Fish and Wildlife review the status of protected species every five years.

Moreover, based on the outcome of the status review, the department is required to petition the state's Fish and Game Commission for an appropriate change in the reviewed species' status. Similar status-review provisions are found in the federal Endangered Species Act, as well as many state acts, including those of Oregon, Colorado, New Mexico and Montana.

The trouble is that, for many species protected under the California law, their mandated status review is decades overdue. In fact, there are currently well over 200 protected species for which a five-year review is overdue.

To rectify this blatant dereliction of governmental duty, the California Cattlemen's Association filed suit earlier this year in state superior court, represented by attorneys with Pacific Legal Foundation. The lawsuit argues that the department has an important public duty to perform the mandated status reviews.

## Reviews needed?

The department, however, has taken the position that it need not do the status reviews. The agency gives two main reasons for its position.

First, the agency contends that the remedy for the association, or, for that matter, any other person or entity that wants the status reviews done, is to petition the commission for a delisting of any species that may no longer warrant listing.

Second, the agency argues that it simply does not have the money or time to do the reviews, and that the courts should not order it to rework its internal priorities.

Neither of these arguments is convincing.

To begin with, the department has the logic of the Act backwards. An interested party should not have to petition for a delisting to obtain a five-year status review. Rather, it is precisely the information that would be contained in a department review that would inform any delisting petition.

Second, the Department should not be able to pick and choose which Fish and Game Code provisions it wants to abide by. The fact is that all state agencies consider themselves to be underfunded.

Were the department correct, no agency could ever be forced to comply with the law; it need only respond that it doesn't have enough money.

But protection of endangered species is an important legislative policy which the department should not be able to avoid so easily.

## Debate not academic

The debate is not just academic. The federal Endangered Species Act contains a similar five-year review provision and, not surprisingly, it was the custom of the U.S. Fish and Wildlife Service to ignore the obligation.

That changed following the lawsuits brought by Pacific Legal Foundation. As a result of court-ordered reviews, many species have been proposed for status change.

At least seven federally listed species for which a status review has recommended a change are also protected under California's endangered species law. It doesn't take much imagination, then, to conclude that there may be many species improperly listed under the state act.

For every species that is improperly listed, department resources are being expended unnecessarily. These resources could be used, instead, to protect those species truly in need of regulatory protection.

The cattlemen's lawsuit aims to vindicate the interests of landowners and environmental advocates — in short, the public interest — in seeing wildlife laws faithfully executed. That's a result that all jurisdictions should follow.

Damien Schiff is a principal attorney with Pacific Legal Foundation.