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Opinion

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OUR VIEW

WOTUS rejection a victory for landowners

You can add our voice to those cheering a decision by the Environmental Protection Agency and the Army Corps of Engineers to propose a rule to rescind the 2015 Clean Water Rule meant to define waters of the United States that are regulated under the Clean Water Act.

WOTUS is on its way out. It's a victory for landowners against the power of the administrative state.

EPA and the Corps worked on the rule for a couple of years in the hopes of reconciling two separate Supreme Court decisions in cases involving the Clean Water Act. The object was to better define

what constitutes "waters of the United States," which the act gives the federal government authority to regulate.

The language of the rule extended regulation to isolated bodies of water that have a "significant nexus" with navigable waters of the United States. The rule left it to the bureaucrats to determine that nexus, and that rightly made farmers and ranchers nervous. Despite their attempt, the final regulation brought little of the clarity it purported to provide.

Farm and ranch groups worried, despite the government's protest to the contrary, the feds would use

the opportunity to expand their authority over "waters," and therefore adjacent lands, not previously subject to regulation under the Clean Water Act. Such a designation could have profound and expensive consequences for landowners.

Even the Corps had its doubts. Unhappy with the way EPA wrote the document, it wrote a scathing email to EPA officials prior to the release of the final draft. Among its complaints was a claim that in extending regulation to isolated bodies of water that have a "significant nexus" with navigable waters of the United States, but defining such bodies as having "no hydrological connection

with navigable waters," made it unlikely the agencies could establish a nexus that would withstand a court challenge.

When the rule was released in 2015, a number of states and industry groups sued. Most notably, one lawsuit was filed by Scott Pruitt — then attorney general of Oklahoma and now the Trump administration's EPA director.

Jurisdictional disputes arising from those lawsuits resulted in a stay of the rule's implementation by the Sixth U.S. Circuit Court of Appeals in October 2015. The Supreme Court will take up the case later this year, but will decide only the jurisdictional issues, not the merits of the

rule's interpretation of what constitutes "waters of the United States."

Fulfilling a campaign promise, President Trump in February issued an executive order for a review of the rule.

Getting rid of the rule as written is a good first step in reducing the reach of the administrative state. But that's not enough, because it will leave unresolved the ambiguity created by the disparate Supreme Court rulings. Farmers, ranchers and regulators need clear, unambiguous guidance on the true extent and limit of the government's authority.

On that point the next rule must be quite clear.

OUR VIEW

RANGELAND FIRE PROTECTION ASSOCIATIONS HELP IN FIGHT AGAINST WILDFIRES

Associated Press File
The Blue Creek fire in the Blue Mountains south of Walla Walla, Wash., in 2015.

Nearly every summer, Washington state ranchers are forced to risk their lives to rescue their cattle as wildfires approach.

When they offer to help state and federal firefighters by plowing fire lines, the offers are often refused.

In some instances, fire crews stand by, choosing not to stop an approaching fire because they are unsure which federal, state or local agency should be in charge.

In the meantime, grazing land — which ranchers depend on to feed their livestock — is allowed to burn.

We hesitate to criticize firefighters. They have one of the toughest jobs in the West, bringing massive wildfires to heel under hot and dirty conditions.

But on occasion ranchers find themselves in the position of having to stand up for themselves and their livelihoods when firefighters get wrapped up in what appears to be bureaucratic fumbling.

Washington state rancher Molly Linville recently was forced to jump on an ATV and race to the rescue when a wildfire roared across the land where her cattle were grazing. A neighbor, Justin Sachs, offered to build a fire line with

his equipment but U.S. Forest Service firefighters turned him away.

Unfortunately, such anecdotes are too common around the West, where wildfires rage across public and private land.

In past years, firefighters from as far away as Australia and New Zealand have been flown to Washington state to fight wildfires while ranchers' offers of help were rejected.

We understand how bureaucracies work. But it's also important to understand

willing and able to provide manpower and equipment to fight wildfires. By setting up rangeland fire protection associations — the first was established in Oregon in 1964 — the states, federal Bureau of Land Management and ranchers have figured out ways to work together instead of arguing with one another. The states' legislatures provided funding for training, protective gear and equipment to these volunteer, nonprofit associations.

Now 22 rangeland fire protection associations are operational in Oregon and 9 are in Idaho, standing ready to help BLM and state wildfire crews.

These volunteer associations have repeatedly demonstrated their value in stopping wildfires before they can grow and in fighting large fires in Eastern Oregon and southern and southwestern Idaho.

Nevada has also set up similar associations.

Every state in the West should follow their examples.

It's time to stop arguing and work together to fight wildfires that roar across the rural countryside each year.

It's time to look for solutions, and rangeland fire protection associations are just that.

In parts of the West, such as Oregon and Idaho, fire officials work with farmers and ranchers, who are ready, willing and able to provide manpower and equipment to fight wildfires.

how ranchers work. Grazing lands need to be protected. They are the life blood of most livestock operations.

One gets the feeling some firefighters see grazing land as empty space, and stopping wildfires is no emergency to them.

The lack of grazing can put a rancher out of business, kill livestock, or both. Protecting grazing land is in many ways just as important as protecting a house or a factory.

In parts of the West, such as Oregon and Idaho, fire officials work with farmers and ranchers, who are ready,

Rainbow 'takeover' shows Forest Service's biases

By LOREN STOUT
For the Capital Press

Guest
comment
Loren Stout



In the last two years there have been two major takeovers of federal property here in Eastern Oregon. One occurred in Harney County and now we have one in progress in Grant County.

Comparing the two events, there are many similarities and some very stark contrasts pertaining to how each incident was handled by the federal government.

One of the similarities is that both takeovers could have been stopped before they happened. In the Harney County incident, the FBI knew beforehand the Bundys were coming into Burns to support a local rancher.

Instead of arresting them en route, they chose to teach them a lesson at the expense of the town of Burns. A fairly predictable outcome followed this approach.

The people involved in the takeover were cleared of all charges and a federal agent is now under indictment.

The outrage by the environmentalists because of the resource damage was deafening. Of course they stood to make money from this incident.

They were glad when this occupation ended so they could get to the business of the government paying them to eliminate the rural communities and the jobs associated with them.

These occupiers were a threat to this cozy relationship.

In the Grant County incident, the federal government was also informed that it was going to occur.

According to reports, a representative of the environmental community, U.S. Forest Service and a tribal member were present when the decision was made for the Rainbow gathering to take place at Flagtail Meadows.

No effort was made to use the existing environmental laws to stop the proceedings. The trouble the Forest Service had was they were already in the process of trying to put the permitted grazers out of business. Bad timing for them.

It was the one chance they had to stick up for the welfare of a small rural community and they refused to do it. The federal government was reserving the right to only enforce their laws if it meant taking someone's job.

The environmentalists were not going to intervene because it was not a money-maker for them, no matter the cost to the environment.

Who knows what the Indian tribes were told to do.

The site that was chosen for takeover was a classic area that the government uses to stop all users of the resources. It is a elk-calving area, summer and winter range for the feral horses that are now foaling, habitat for the red-band trout and above all a major archaeological site. The creek that they are camped on is Wickiup Creek.

Wickiup is the Indian name for tepee. It was not named that because there was a Motel 6 there.

The environmental carnage that is taking place in this area is indescribable. They are digging trenches and using them for toilet facilities.

That is a lot of human waste in a possible burial ground. They are piping water out of undeveloped springs.

It would take the normal person three years to develop a spring, even for the benefit of the public. Soil compaction from thousands of people is overwhelming.

Everything in the government's playbook is in play here.

The trouble is none of the environmental laws are being enforced. This is the stuff the federal government uses to put industries out of business.

It is really hard to describe how bad this remote area has been transformed according to the standards the locals have to abide by.

I will give the hippies credit for one thing. They are unveiling the discrimination that is behind the implementation of these environmental laws.

They are telling the Forest Service to go take a nature hike. They fully realize the only time these laws will be enforced is if it has devastating impacts on the rural communities.

Notice how quiet the liberal press is on this environmental disaster?

Not one peep out of our U.S. senators, either. They are in utter dismay that their voting base is revealing the sham the federal government is running against the people of these rural communities. Hopefully some new leadership will help to alleviate these discriminatory actions by our own federal government.

Loren Stout ranches near John Day, Ore., adjacent to the part of the Malheur National Forest that was taken over by the Rainbow gathering. His family homesteaded in the area in 1875.