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# Opinion

## Editorial Board

Editor & Publisher  
Joe Beach

Managing Editor  
Carl Sampson

opinions@capitalpress.com Online: www.capitalpress.com/opinion

## OUR VIEW

# WOTUS ruling muddies regulatory waters

The controversial Waters of the United States rule lives again, at least in 26 states — including Oregon, Washington and California.

The Environmental Protection Agency and the U.S. Army Corps of Engineers wrote the rule 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 2015 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.

The final regulation brought little of the clarity it purported to provide. (The Corps wrote a scathing email to EPA insisting the rule would not withstand a court challenge.)

A number of states and industry groups sued. That led to competing rulings in various district courts, including a stay in 13 states ordered by a district court in North Dakota.

The jurisdictional disputes arising from those lawsuits resulted in a nationwide stay of the rule’s implementation by the 6th U.S. Circuit Court of Appeals in October 2015.

WOTUS was suspended last year by the Trump administration, the president making good on a campaign promise. In February the EPA and the Corps delayed implementation until 2020 while they work to replace the rule and redefine “waters of the United States.” These actions prompted a host of new lawsuits in courts across the country.

Earlier this year the U.S. Supreme Court ruled that lawsuits concerning the rule rightly must originate with district courts. The court’s order lifted the 6th Circuit’s nationwide stay.

With the North Dakota district court’s stay still in force, a court in Georgia granted a preliminary injunction blocking the rule’s

implementation of the rule in 11 states contesting WOTUS in that court.

But in yet another case, U.S. District Judge David Norton on Thursday ruled the Trump administration failed to comply with rulemaking requirements under the Administrative Procedure Act in suspending rule.

In 24 states the implementation of WOTUS is stayed, in 26 states the rule is the law of the land. So much for clarity.

It could be years before the judgments on the various claims and the eventual appeals work their way to a decision on the merits by the Supreme Court.

In the meantime, as American Farm Bureau President Zippy

Duval said, last week’s ruling “creates enormous regulatory uncertainty and risk for farmers, ranchers and others” in the 26 states.

We worry the feds will use the opportunity to expand their authority in those states 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.

Farmers, ranchers and regulators need clear, unambiguous guidance on the true extent and limit of the government’s authority. Unfortunately, it could be years before they get it.

## OUR VIEW

# Agriculture’s ‘youth movement’

Finding enough workers for the busy season is a challenge for many farms, which try everything from recruiting local adults to hiring H-2A visa workers from overseas.

A blueberry farm near Roseburg, Ore., reminds us of the not-so-distant past, when farmers relied more on teenagers during the busiest times of the year. Paul and Sandy Norris, owners of Norris Blueberry Farms, hire 180 high school and college students each summer to work in the fields and the packing and shipping facility. They’ve relied on their home-grown “youth movement” for 20 years, and see it as a win-win for themselves and for their employees.

“The youth who work here are absolutely amazing and resourceful,” Paul Norris told writer Craig Reed. “They stay with the job until it is done. They learn responsibility. We have orders and we have to get them out. They have to stay with the job until it is done. The young adults know that and they respond very well.”

They pay the students based on their hard work. They start at minimum wage, but can receive more — retroactively — based on how hard they work and their attitude. The young workers quickly come to understand how capitalism operates — hard work and a good attitude are handsomely rewarded.

It is a lesson many adults these days would also do well to learn.

The Norrises chose to rely on student workers when they started their farm two decades ago. Their first recruits were their three daughters — Amy, Carrie and Ellie — and their friends and



From left, Sterling Colley, Anthony Buck and Easton Thompson wait at Norris Blueberry Farms with electric pallet jacks to load a semi-truck trailer with blueberries. The farm has been hiring local young people to work in the packing barn for the last 20 years.

acquaintances. From there they built a tradition of hiring local students.

As a result, the Norrises have a ready-made corps of reliable workers that return year after year. They hire itinerant crews for the picking, but all of the weighing, sorting, packing and shipping are done by their youthful crews.

The low unemployment rate — 3.9 percent nationally — has put added pressure on many agricultural employers. Workers who previously did farm work are being drawn to construction and other year-round jobs, leaving many farms struggling to find enough workers.

With the unemployment rate for teenagers at 8.4 percent, farmers such as the Norrises have tapped into a ready labor market.

But there’s more to the job for the students than a healthy paycheck.

There’s the life lesson that hard work impresses on young people.

“You learn how to work hard here, you get an idea of what it takes to work in any company,” said Kristen Beebe, 22, who is in her fifth year at the farm and leads a crew of 15 youth in moving pallets. “You have to get along with people, to be able to talk with both superiors and people below you in efficient ways.”

To their credit, other farms and packing houses also hire young workers. Grass seed growers and other farmers hire students to drive swathers and combines to harvest their crops — and have for decades.

They know what the Norrises know. Treated and trained well, young workers will do a great job, spread the word to their friends and keep the ranks filled year after year.

## End the trade war, now

By TOM NASSIF  
Western Growers

Guest  
comment  
Tom Nassif



In a recent interview, I reiterated my support for President Trump’s stated objectives on recasting American trade policy. The international trade playing field is fundamentally unfair to the U.S., and many countries have for decades taken advantage of us. It is imperative that the administration seek fairer trade agreements for American companies — and the millions of Americans who go to work at these companies every day.

As we now see so starkly, the means to achieve this end are causing serious economic turmoil. America is now quite clearly in the midst of a trade war with China, and we are edging closer to more serious conflicts with other nations implementing their own retaliatory tariffs. China and other nations are targeting American farmers, and if this continues for a prolonged period of time, we risk losing established and emerging markets for American fruit, vegetable and tree nut products. Farmers in other countries can and will fill the vacuum left by our trade policies, for most commodities. Once China and other export markets find replacement suppliers, it will be extremely difficult to dislodge them, even after we reach new and presumably fairer trade agreements.

President Trump and his team are well aware of these harsh realities. We have made sure of that. Our urgent plea has been and will continue to be this: We understand and support the administration’s goal to forge new and fairer trade agreements, but those new agreements will only benefit American farmers if they

haven’t permanently lost their relationships with foreign buyers.

In other words, we urgently need the administration to drive this process to conclusion quickly.

In the short term, realizing we will never be made whole, we need effective and immediate mitigation of the economic damage being inflicted on our producers. President Trump promised to not let American farmers “be the casualties if this trade dispute escalates.”

Late last month, Secretary of Agriculture Sonny Perdue announced a \$12 billion trade mitigation plan. Of the three programs envisioned as part of this relief package, only the Food Purchase and Distribution Program has the potential to deliver some mitigation to the fresh produce industry. Even so, questions remain about how much of the roughly \$2.5 billion allocated for this program will go to purchase surplus fruits, vegetables and tree nuts, and how close to regular market values producers will receive for these agricultural goods. There is also the hope that we can receive direct payments as other commodities will.

We’ll keep working with the administration on this as we press for the more critical need: a rapid and successful conclusion to our trade conflicts and the restoration of commerce between American farmers and buyers across the globe.

Tom Nassif is president and CEO of Western Growers.

# Of wolves, wildfires and grizzly bears

By ANN HATHAWAY  
For the Capital Press

Guest  
comment  
Ann Hathaway



I live close to Medford, Ore., and we are having smoke so bad a person cannot go outside for anything. Today I think it is hazardous. Bad stuff.

I am not a rancher or farmer but I owned a hunting business in northwestern Montana for four years. No wolves then, just grizzly. I don’t know what “Einstein” proposed griz in the northern Cascades but they have to be one of those overly college-educated morons.

Griz are a pain in the backside. They are very big and very scary opportunists. One whiff of something tasty and they come in. They tear things to hell and eat anything that isn’t tied down.

My opinion about griz in the northern Cascades is no, no and nope. No way! You want to

go have a hamburger? Remember, griz eat meat and hamburgers translate into cows. Be they large or small cows, the griz will try to eat one. That means the owner of that cow or calf loses that animal but also — and no one seems to think of this — they lose all the future production of that cow or calf. That amounts to a lot of money and livelihood and I don’t want to see that happen. Griz eat a lot of baby deer and baby elk, too.

As for smoke, I have been cooped up in my house for almost four weeks and I am not happy with the situation that has finally, I hope, made people stop and think. (Thinking seems

to be a lost commodity a lot of the time.) Gee, if you let the forest get nice and thick and don’t take care to keep it cleaned up, gosh, it might burn up.

Well, duh! I feel sorry for all the parties involved because common sense just doesn’t seem to be in vogue. The BLM and Forest Service try to put out a plan to clean up as much as possible and bam, the enviro-nuts file a lawsuit. Everything stops, the forest gets thicker than hairs on a dog, the brush fills in the empty places and bingo, a forest fire going someplace to happen. And it never seems to get settled one way or the other, for a long time. It is a sad situation and the judges who do not dismiss the frivolous lawsuits are just as guilty as the rest. Shame on them.

Now, I move to wolves! They are great big dogs. Em-

phasis on dogs. Big dogs! Would someone please tell me why a woman is out researching in the wilds (without a gun, God forbid she should have one) and goes up a tree because she is scared as the devil. Since when is a wolf more important than a person? Why wasn’t she carrying a gun? More environmental claptrap? More regulation?

We have been demoralized in the name of environmentalism and it is crippling our economy, our society and our environment. And it has stopped critical thinking. There was a reason why wolves were killed out here in a lot of the western U.S. They raised holy particular hell with the livestock and they got shot. So some enviro-nut decided to reintroduce big Canadian wolves back into the Northwest. Pardon my sarcasm, but it was a “brilliant” decision. Dumb as a box of rocks!

Wolves belong in the big-time wilderness, not in farming and ranching areas. And don’t tell me they are in big-time wilderness. They are a large, dangerous nuisance and were I a rancher, I would shoot every one.

I don’t blame the ranchers; they have been vilified on a continuing basis and it is damned unfair. Their pasture practices and procedures have improved mightily and the ranchers should be respected. They raise a product important to our economy.

I read a saying that I think is more than appropriate, “Thin It, Log It, Graze It Or Watch It Burn.”

Do you suppose the enviro-nuts who seem to be over-educated morons will get the message? Sadly, I don’t think so.

Ann Hathaway is a retired outfitter.

## Letters policy

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