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Opinion

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Our View

Riding from the parking lot isn't 'work'

We eagerly await the resolution of an unusual claim made in a case to wrap up back pay claims in the bankruptcy of a Yakima, Wash., dairy.

Menonides Dairy filed for Chapter 11 bankruptcy in 2018, reorganized and kept operating. The dairy, however, has resisted a claim that its workers are creditors.

Attorneys representing 27 dairy employees say that their clients are owed more than \$500,000 in unpaid wages. Employees say that they were required to perform unpaid work before the start of the work day, such as servicing equipment. They also claim that they were forced to work



through breaks.

Typical stuff for this kind of claim. But one example of unpaid "work" seems a bit dubious, and caught the eye of the presiding judge.

According to attorneys representing the workers, employees were required to park their cars at the edge of the dairy property. They would then be driven to the main building

a quarter of a mile away where they would clock in. When their shift was done, the employees would clock out and be driven back to the parking area.

The trip reportedly took three minutes, and attorney Charlotte Mikat-Stevens says the employees should have been paid for that time. Really. Really?

Judge Whitman Holt seemed skeptical of the claim. He posed to counsel the hypothetical situation of hourly support employees of a big Seattle law firm, headquartered in the high reaches of a downtown skyscraper. The ride up to the office in the morning could take 15 or 20 minutes as the elevator stops for employees of other companies on lower

floors, he said.

"Is the law firm liable to pay that person?" Holt asked.

"A court could find that time is compensable," Mikat-Stevens said.

It could, but it shouldn't. And we can only imagine the offense Mikat-Stevens' law firm would mount if its clerical help filed a claim for an hour or two of overtime each week for the in-building commute.

Legitimate claims need to be paid, to the extent allowed under bankruptcy laws. But employers shouldn't be put on the hook for the time it takes an employee to walk, or ride, from the parking lot into the workplace and back again at the end of the day.

Our View



Sierra Dawn McClain/Capital Press

Oregon farmer Jim McKay with his nursery crops. McKay says he's grateful that a temporary water transfer under a state pilot project allowed him to farm land that would otherwise be dry.

Oregon leaders need to address water challenges

The Oregon Legislature has hit on a winner with the Irrigation District Temporary Transfers Pilot Project.

While the name sounds a bit off-putting, the project is effective. It allows some irrigation districts to internally make temporary transfers between water users. The project has been in operation 18 years. During that time it has been extended and expanded to 15 of the state's 40 or so irrigation districts.

The beauty of the project is its simplicity. A farmer or rancher within an irrigation district with an unused water allocation can transfer it temporarily to someone who needs it.

This not only addresses some of the water shortages that have arisen over the years, but it helps farmers and ranchers hold onto water allocations that otherwise might be lost, courtesy of the state's "use it or lose it" law.

While not perfect — nothing is — the project brings out the best in cooperative spirit among farmers in addition to getting water to where it's needed.

It is time for the legislature to expand the program to all Oregon irrigation districts and make it permanent.

While they're tackling water issues, legislators should take a close look at the Oregon Water Resources Department, which appears to be chronically underfunded and understaffed.

The department has a national reputation for its sluggish performance. Daugherty Water for Food Global Institute at the University of Nebraska has found the state has an unnecessarily complex and bureaucratic water transfer system.

Year after year, the department also reports that it is behind in its work, in part because of red tape and in part because the Legislature does not provide enough money from the general fund.

Some believe water users should provide most of the department's funding, but since the state

owns the water, all citizens should pony up adequate funding to manage it.

After all, everyone eats the food grown with that water.

More also needs to be done.

Water issues in Oregon will not go away. The state needs a flexible game plan for managing the water that grows our food and powers our economy. Leaders need to take a close look at everything from recharging aquifers in the winter to lake taps to increasing water storage behind dams. Instead of constantly talking about taking out dams, we should be looking at ways to increase their number and capacity. That's because scientists say the mountain snowpacks that serve as water storage will continue to shrink.

We should also come up with a statewide plan to transfer water from locations with plenty of water to those facing drought and other shortages. California, for example, has a massive intrastate water transfer system.

Climate change means Oregonians will have to be smarter in how they manage water.

In Idaho, a years-long effort is underway to replenish the Eastern Snake Plain Aquifer. In the past five years, 2.3 million acre-feet of water has been added to the aquifer, a remarkable achievement.

Idaho legislators know they have their work cut out for them, and continue to invest in aquifer recharge, adding to dam capacity and other efforts that will keep that state's economy healthy and growing. They have a collective vision for making that happen.

Oregon's leaders would do well to take a close look at how innovation and investment can address the many water challenges facing them in the near and distant future.

Expanding the Irrigation District Temporary Transfers Pilot Project statewide and making it permanent is just a start.

California senators must continue collaborative wildfire advocacy, reject BLM nominee

Wildfires and land management should not be a partisan issue, and nowhere is it more evident than in California. In order to prevent the catastrophic dangers that fires pose to homes, businesses, public lands, and the environment, we need active management and collaborative solutions.

As California enters possibly its worst fire season on record, we must have trustworthy leadership managing our public lands as our forests and the future of our communities depend on it. President Biden's Bureau of Land Management (BLM) nominee, Tracy Stone-Manning, does not embody that type of trustworthy leadership.

The Bureau of Land Management oversees 245 million acres of public lands across the West. Of these 245 million acres, the U.S. Forest Service's fire mapping has identified 71% of BLM lands that have the potential for wildfires to ignite and spread to communities. In California alone, over 149 million trees have died due to insects, disease, and wildfires; and over half a million acres have already burned just this year.

Ms. Stone-Manning is directly tied to an incident of tree spiking in the Clearwater National Forest. Tree spiking is an act of eco-terrorism in which perpetrators place 8- to 10-inch metal spikes in trees with the intent to injure or even kill timber workers. Her actions and the role she played during the tree spiking incident is unbecoming of a leader set to oversee our nation's public lands and more than 10,000 federal employees.

Tracy Stone-Manning lied under oath — not once, but twice. In 2013, she was nominated to head the Montana Department of Environmental Quality, and she withheld the truth about her involvement in the 1989 tree spiking. Earlier this year, during her confirmation hearing to serve as director of the Bureau of Land Management, she lied yet again to U.S. senators on the Energy and Natural Resources Committee. It is clear she believes herself to be above the law.

Californiaians know that

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Rep. Doug
LaMalfa



any leader must work cooperatively with state and federal agencies and local communities on issues facing our public lands. President Biden's nominee does not display cooperation; in fact, Special Agent Michael Merkle, the Forest Service's lead investigator of the tree spiking incident, wrote, "Throughout this initial investigation in 1989, Ms. Stone-Manning was extremely difficult to work with; in fact, she was the nastiest of the suspects" and was "vulgar, antagonistic, and extremely anti-government."

Just a matter of a few months ago, Ms. Stone-Manning tweeted an article written by her husband in which he suggested letting houses built in forests burn: "Perhaps the solution to houses in the interface is to let them burn." She called her husband's article a "clarion call."

What kind of message does this send to communities in California who have experienced utter devastation — and even the loss of loved ones — in the face of catastrophic wildfires?

Tracy Stone-Manning has shown herself to be uniquely unqualified to lead a federal agency and has demonstrated a total disregard for rural Americans. Californians and the West need a leader who will protect their homes, recreation areas, and workplaces, and someone who will effectively collaborate with state, local, and federal officials. Tracy Stone-Manning will not.

I urge Senators Feinstein and Padilla to stand up for California's forests and public lands and oppose Tracy Stone-Manning's nomination to lead the Bureau of Land Management.

Congressman Doug LaMalfa is a lifelong farmer representing California's First Congressional District, including Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou and Tehama counties.