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Our View

Another voice weighs in on Snake River dams

An obscure division within the Office of the President now wants to weigh in on the fate of four dams on the lower Snake River.

Another voice that appears to be leaning toward removing the dams.

In a March 28 blog post, the White House Council on Environmental Quality outlined its efforts to study breaching the dams. Those efforts included a March 21 “Nation to Nation” meeting between federal agencies and leaders of the Tribes of the Columbia River Basin.

The Council on Environmental Quality was established during the Nixon administration under the National Environmental Policy Act. According to the council’s website, it is charged with coordinating “the federal government’s efforts to improve, preserve and protect America’s public health and environment.”

According to the blog, the coun-



Getty Images

The spillway at Lower Monumental Dam in Washington on the Snake River.

cil last fall convened leaders from the Bureau of Indian Affairs, Bureau of Reclamation, U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, Army Corps of Engineers and the Bonneville Power Administration.

The group will “build on existing analyses to identify a durable path forward that ensures a clean energy future, supports local and regional economies, and restores ecosystem function, while honoring longstanding commitments to Tribal Nations,” the blog states.

“We cannot continue business as usual. Doing the right thing for salmon, Tribal Nations, and communities can bring us together. It is time for effective, creative solutions,” the blog states.

The fix might be in.

“We heard calls to support breaching the four dams on the lower Snake River to restore a more natural flow, also about the need to replace the services provided by those dams, and recognition that such a step would require congressional action,” the blog post reads. “We were asked to consider the Basin holistically because of its inherent interconnectedness.”

OK. Let’s consider the farmers and other people who depend on the river.

The dams in southeast Washington generate electricity and allow farmers to move grain by barge down the Columbia River’s main tributary.

Without the dams, the river would be too shallow to barge wheat and other farm goods the roughly 100 miles

between Lewiston, Idaho, and the Tri-Cities. Lake Sacajawea, a reservoir created by Ice Harbor Dam, irrigates 47,000 acres. The loss of electricity generated by the dams would increase the cost of pumping groundwater.

The agriculture and shipping communities remain wary of discussions on the fate of the dams.

“We continue to be engaged with the administration at CEQ,” Michelle Hennings, executive director of the Washington Association of Wheat Growers, said. “Looking at the blog, we would have liked to see more focus on the impact this would have had on farmers across the country.”

Removing the dams would come at the expense of the entire region that depends on low-cost and reliable electricity the dams provide and the livelihoods of farmers, barge operators, deck hands, dock workers in the region and the vendors who support them.

It continues to be a bad idea.

Our View



Capital Press File

Farmers and farmworkers did a spectacular job keeping Americans fed during the pandemic.

When farmers, farmworkers came through for the U.S.

When COVID-19 arrived in the U.S. from China a little more than two years ago, it set off a tsunami of uncertainty among the 328 million Americans, none of whom had ever been through anything like it.

Researchers scrambled to understand the strange new virus even as it infected vast swaths of the population. While many cases were mild — or even presented no symptoms at all — others were fatal.

In the midst of this crisis, farmers, ranchers, processors and farmworkers were all called upon to feed the nation.

By any measure, it was not easy. The ever-changing regulatory landscape made what was already a difficult job even tougher.

In the end, U.S. agriculture performed spectacularly. Fears of food shortages disappeared, and food boxes and government benefits were increased so no American had to worry about eating.

All of this happened against a backdrop of record unemployment, workplace upheaval for those who still had a job and, above all else, uncertainty as advice, directives and regulations changed, sometimes from day to day.

Even after vaccines were found to be effective and widely available, suspicions remained and some people refused the life preserver. This was their right, but it also diminished a means of stemming the tide of COVID.

Some critics say the government — and private employers such as farmers and processors —

didn’t do enough to protect employees. With the benefit of 20/20 hindsight, they say they should have been provided with more masks, plastic dividers and other tools.

Some critics have faulted agencies such as OSHA for not being aggressive enough, while others said they were too aggressive.

In a time when facts were few and fears were many, these agencies were doing their best.

In 2020, the Oregon Farmworker COVID-19 Study interviewed upward of 300 farmworkers. They said that even in the early months of the pandemic 77% of their co-workers wore masks all of the time and 68% said that they or their foreman had received training on avoiding COVID.

In much of Oregon, the pandemic was not an isolated incident. Wildfires destroyed the homes of many farmworkers, often forcing them to temporarily live in close proximity to one another, even while they continued to work on the farms.

But for the most part, they and others were able to protect themselves and to harvest the crops that feed the nation.

This should be a point of pride for farmers, farmworkers, processors and the many others in agriculture who overcame extraordinary hardships during the past two years to keep the economy moving.

They also deserve a sincere “thank you” from all of us for jobs well done.

My fight to preserve access to our courts

The United States judicial system should be structured to successfully process legitimate cases as quickly as possible. Unfortunately, many Idahoans are burdened by a serious backlog within the federal judicial system, limiting their access to a timely trial.

This is due in part to loopholes being exploited within current federal policy and is made worse by organizational issues within the federal court system.

One example would be the Equal Access to Justice Act (EAJA), which was enacted in 1980 and was designed to curb federal overreach and wrongdoing and allow wider access to the federal judicial system.

One key aspect of EAJA was to allow plaintiffs to seek reimbursement from the federal government for attorney’s fees related to the cases brought against the government. The EAJA program provides a crucial service to many small businesses, individuals and veterans with limited resources to seek redress against the wrongs of the federal government.

Unfortunately, this law has also allowed some special interest groups to create an endless cycle of litigation and clog the federal courts, all while enriching themselves with taxpayer dollars.

In the case of the Endangered Species Act (ESA), some environmental groups have been able to take advantage of EAJA by repeatedly alleging violations of the ESA. In fact, repeated lawsuits appear to have become a business model for many environmental groups. The groups will sue the U.S. Fish and Wildlife Service for violations of the ESA, benefit from using their lawsuit as a fundraising tool, and then have their attorneys’ fees paid despite having the means to do so themselves.

Such frivolous lawsuits require time and funding from federal agencies that could be better spent on more critical priorities, such as authentic conservation efforts for endangered species.

In an effort to shine a light on EAJA abuse in my past role as chairman of the House Interior and Environment Appropriations Subcommittee, I included language in appropriations bills directing the Department of the Interior, the Environmental Protection Agency and the Forest Service to make legal fees paid to litigants under EAJA publicly available. Astonishingly, last year, the Department of the Interior awarded \$2.5 million in EAJA reimbursements, and has historically paid for hourly rates as high as \$865 per hour.

Throughout my time in Congress, I have continued to push for EAJA reform to prevent special interest groups from creating excessive backlogs and wrongfully taking advantage of the EAJA program. In the 113th Congress, I cosponsored H.R. 3037, the Government Litigation Savings Act, which would have restricted EAJA reimbursements to parties with a direct and personal interest in an adjudication or if those parties unnecessarily prolonged a final resolution.

GUEST VIEW
Rep. Mike Simpson



The courts should never be “Plan A,” and the judicial process should never be used to enrich groups, entities or individuals. Rather, mediation and arbitration can often avoid costly and lengthy legal battles and resolve issues in a mutually beneficial manner.

In addition to reducing inappropriate use of the federal courts, we must also ensure that United States District Courts are equipped to process increasingly high caseloads. As the U.S. population shifts out of cities and towards states like Idaho, not every federal district is authorized enough judgeships to meet the demand on the courts. In fact, the federal district of Idaho has had just two federal district judges since 1954, when the population of the state was only 600,000. It is now at 1.7 million and counting, and as Idaho’s population grows, so does the number of court cases.

The imbalance is so severe that the nonpartisan Judicial Conference of the United States has formally recommended that Congress authorize one new permanent district judge in Idaho consistently since 2003. To alleviate this crisis, I introduced H.R. 319, a bill to add an additional judge to the Federal District Court of Idaho. Adding a third judgeship would provide Idahoans easier access to federal courts and further decrease backlogs within the system.

I have also pushed for legislation to address the backlog in the 9th U.S. Circuit Court of Appeals, which covers Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon and Washington. The Ninth Circuit has more than six times the population than the First Circuit and carries five times the case backlog of most U.S. appeals courts. That is why I introduced H.R. 320, the Ninth Circuit Court of Appeals Judgeship and Reorganization Act, on January 13, 2021.

This legislation would divide the Ninth Circuit into a Ninth Circuit composed of California, Guam, Hawaii and Northern Mariana Islands and a new Twelfth Circuit U.S. Court of Appeals composed of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington.

Similar legislation has also been introduced by Senators Crapo and Risch in the Senate.

Access to the courts, legal representation and justice are core American values. However, misuse of civil litigation and an overburdened judicial system prologues resolution of disputes and wastes precious resources and time. I firmly believe that justice delayed is justice denied, and I remain committed to improving and reorganizing the federal judicial system to protect the legitimate rights of all.

Rep. Mike Simpson represents Idaho in the U.S. House.

READERS’ VIEW

Let’s work together on farm labor supply

Pam Lewison castigated Gov. Jay Inslee for being “... out of touch... with the farmers and ranchers of [Washington]...” stating that Washington’s overtime pay requirements for farmworkers “... will force employers to reduce [the hourly rate] to minimum wage and limit hours worked...”

In January 2021, Firestone Pacific Foods implemented overtime pay for our small farm crew that cultivate our blueberry and blackberry crops. The financial impact of this decision

was onerous, exacerbated by the heat dome’s adverse effect on crop yields. However, we were in no position to reduce hours or hourly pay. In fact, we raised hourly rates, increased hours as well as benefits to our farmworkers. Even with these changes, we were unable to hire additional seasonal farmworkers last summer. We’re not alone.

The dearth of farmworkers, widely reported by the Capital Press, is crippling agriculture throughout the Pacific Northwest. Rather than condemn politicians who are trying to give farmworkers livable wages, I challenge farm lobbyists and my fellow industry participants to focus time and energy on the

root cause of our collective challenge: labor supply.

We need to come up with short term and long term solutions to expand the supply of farmworkers. A blueberry grower in Lynden, Wash., suggested to me that the United States should emulate Canada’s guest worker program. Whether or not this is a credible option is besides the point. I give him credit for focusing on solving the problem versus scoring political points.

Let’s work together to be the change we want to see in agriculture.

Josh Hinerfeld
CEO

Firestone Pacific Foods
Vancouver, Wash.