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# Opinion

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## Our View

# Be specific in your dealings with the state

The Oregon Court of Appeals has effectively overturned a jury verdict that had awarded a dozen counties and dozens of taxing bodies within them \$1 billion.

The ruling emphasizes the necessity of clear and specific language in contracts, particularly when you are dealing with the state.

At issue is the case brought six years ago by 14 counties that in the 1930s and 1940s ceded 700,000 acres of forest land to the State of Oregon. The counties claim they donated the forest land with the contractual expectation that logging revenues would be maximized.

And for a couple of decades or more, that's what the state did. It sold timber and gave part of the proceeds to the counties and other taxing districts.

But what had the state actually agreed to do?

The state, through legislation, agreed to manage the forest for the "greatest permanent value." In the 1930s and 1940s, when



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**The State of Oregon changed its goals for managing forests.**

the state's forests were being actively harvested for lumber, that was assumed to mean the greatest dollar value.

But in 1967, the Legislature expanded the definition of "greatest permanent value" to include multiple uses. Timber revenue was just one goal, not the only goal. And in the late 1990s, the "greatest permanent value" was changed in the state's forestry management plan to

include environmental and recreational considerations that restricted timber harvests.

That's when the counties that depended on timber revenues to pay for services really started to feel the squeeze. In 2016 they sued.

In 2019, a jury in Linn County heard opposing arguments from the counties and nearly 150 taxing districts within them, and the State of Oregon. Weighing those arguments, the jury concluded that the state had agreed to focus on cash-generating timber harvests and had violated its contract.

The plaintiffs were awarded \$1 billion in damages.

Last week, the Oregon Court of Appeals ignored the jury's findings and ruled that the trial judge had improperly denied the state's request to throw out the lawsuit.

Legislation requiring Oregon to manage the forestland for the "greatest permanent value" does not create an "immutable

promise" to maximize revenue for the counties, the appeals court ruled.

The appellate court said that "historically, 'value' has myriad definitions, some of which could relate to revenue production and others that do not relate to revenue production."

The statute also directs that forests be managed for the "greatest permanent value" to the state, rather than to the counties, which means the text falls short of the "clear and unmistakable intent" of making a contractual promise, the ruling said.

Therefore, the judge erred in not dismissing the suit. Plaintiffs lose their \$1 billion and must hope the Oregon Supreme Court takes up its case.

We think the counties and the state were of the same mind when the lands were donated. It's telling that a jury heard these arguments and found a contract existed.

But lawyers and people see things differently.

## Our View

# Going all-electric has steep price even in Washington state

If nothing else, Washington Gov. Jay Inslee is a master of hyperbole. He once said: "I've dedicated my life in public service to defeating climate change."

OK, but here's a statement of the obvious. The governor of a medium-size state in the Pacific Northwest isn't

going to slow, let alone stop, global climate change. Most of the world's carbon emissions — carbon dioxide and methane — are attributable to such nations as China and India. Those two nations alone produce nearly half of the world's atmospheric carbon. Washington state produces about 0.19% of carbon emissions, according to the state and the Our World in Data website.

Presumably, Inslee has done the math and knows that, but he keeps wanting to throttle the state's economy as a way to "stop" climate change.

We should say right upfront that most people are ready, willing and able to do their part to slow climate change. If that means driving more efficient cars or putting in more dams to generate electricity, they're happy to cooperate.

Farmers, ranchers and timber owners also can slow climate change through carbon sequestration.

But Inslee's tactic of hobbling the economy — which is already hurt by inflation and other factors that are much more easily controlled than the climate — makes no sense.

Over the years, Inslee has told Washingtonians that gasoline and diesel fuel are the culprits. He wants to subsidize electric cars, trucks, buses and ferries as a way to reduce the state's carbon emissions.

It should be noted that all of those electric vehicles use lithium and other elements that come from massive open-pit mines in Chile, Australia, Argentina and China. One is in northern Nevada and another is planned nearby.

As it now stands, China controls 70% of the world's lithium battery production.

In other words, by following Inslee's initiatives, we

will be handing over the keys to the "green" economy to China.

It should also be noted that if Washington state really does phase out gasoline and diesel cars and trucks, their electric replacements would require massive increases in electricity production to keep them charged.

Most recently, Inslee was at it again. In his climate campaign, he has now turned to your house, where he says natural gas is destroying the world, children, or both.

He says climate change is a life-or-death struggle and Washington state must lead the charge.

So let's take Inslee at his word. Let's say Washington gets rid of its natural gas now.

A couple of things come to mind. According to the

U.S. Energy Information Administration, nearly all of the state's natural gas comes from British Columbia, and about two-thirds of that goes by pipeline to Oregon and California.

Much of the natural gas used in Washington — 30% — is for generating electricity. About 27% of the natural gas is used to heat homes and 25% is used by industry. Commercial enterprises use 18%.

Shutting down natural gas in Washington would cripple the state's economy.

If Inslee wants to replace natural gas with electricity, he'll need massive new power plants such as dams and nuclear reactors. Add that to the electric load of charging 3 million battery-powered cars and trucks and it's no wonder Inslee and his supporters are so anxious to put solar farms all over Eastern Washington.

The linchpin of their plan is electrical generation.

The need for electricity in Washington will be so dire they may even need to leave those four dams on the lower Snake River in place — and build a few more to boot.



Sierra Dawn McClain/Capital Press

**Washington Gov. Jay Inslee's climate change efforts are full of inconsistencies and inadequacies.**

# Arbor Day and forest management

This year marks the 150th anniversary of the tree planter's holiday, Arbor Day. Did you know that 40% of Idaho is covered in trees? Forests cover more than 21 million acres — that's larger than the states of Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island combined.

One million acres of trees are on Idaho Endowment Forestlands, which are managed by Idaho Department of Lands (IDL) for the benefit of endowment beneficiaries, primarily public schools.

Another 20 million acres of forestland is divided between federal ownership (17 million acres) and private ownership (3 million acres).

In addition, Idaho's communities provide urban forests, benefiting the people who live there.

Forests provide clean air, remove and store car-

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Craig Foss



bon dioxide, send fresh oxygen into the air, provide habitat for wildlife, clean water through our watersheds, and opportunities for recreation; 63% of Idaho's water comes from the forests.

Idaho forests also provide more than \$2.4 billion in state economic contributions through the timber industry, with a goal of sustainability and stewardship. Idaho code requires harvests adhere to strict environmental rules and reforestation requirements. The process is manage, harvest, plant and repeat. Harvested forests are required by state code to be replanted. Last year IDL planted nearly 2 million seedlings after harvests and fires. For every tree har-

vested, seven seedlings are planted in its place. This year efforts are underway to plant 2.4 million seedlings on endowment forests.

It is vital that IDL manage its forests in a sustainable, fire resilient way, as the timber is an investment for the endowments now and for many generations to come. The revenue helps support Idaho's public schools and other important beneficiaries.

Proper management is imperative for all ownerships, as unmanaged forests are more at risk for catastrophic wildfires that can threaten communities. This is especially true as we see more people move into the wildland-urban interface. A catastrophic fire damages the soil, removes vegetation leading to increased soil delivery into streams, decreases the value of the timber and impacts recreational opportunities for many years.

Removing infested and dying trees, thinning healthy stands so trees to grow larger and stronger, and removing ladder fuels allows wildfire to move through the forest floor quickly resulting in a resilient forest instead of a devastated forest.

Through our No Boundaries Forestry Initiative, IDL works with many federal, local and private partners to manage forestland on federal, state, and private land. By working together, entire landscapes, watersheds and communities are being made more fire resilient.

With the increasing frequency of drought, limited fire resources and severe fire seasons, we all need to take steps to prevent human caused wildfire, increase property resilience to fire, and protect Idaho's forests. For more information visit [www.idl.idaho.gov](http://www.idl.idaho.gov) and [www.idahoforests.org](http://www.idahoforests.org).

Craig Foss is the Idaho state forester.

# How to improve federal agency accountability

Enactment of new federal legislation often expands, rather than narrows, the federal government's responsibilities.

Examples include administering federal programs and payments, such as COVID relief. America is not made strong by a large central government that overspends.

Rather, our country is strengthened by respecting the abilities of the individual, and limiting the federal government's size and reach will help reduce spending and restore the balance of power established in the U.S. Constitution.

There are many opportunities to limit unnecessary and outdated federal programs and regulations, thereby cutting wasteful federal spending of taxpayer dollars. Congress should advance legislation helping to take a fresh look at federal agency operations to identify how federal functions can be updated and simplified.

I have backed multiple pieces of legislation, including S. 2239, the Unnecessary Agency Regulations Reduction Act, and fellow U.S. Senator for Idaho Jim Risch's S. 3996, the Reducing Regulatory Burdens Act, in this Congress, to reduce burdensome government regulations and get rid of outdated, duplicative or unnecessary agency regulations.

Idaho's recent deregulation efforts have strengthened its position as a magnet for ingenuity, growth and free enterprise. The federal government should follow suit, take a hard look at its laundry list of regulations and get rid of those that are mere power grabs that drown American innovation in paperwork and inefficiency.

Senator Risch's Reducing Regulatory Burdens Act would build on the Trump administration's deregulation effort by codifying a 2017 Trump-era executive order to weed out old, unnecessary, and inefficient regulations and requiring agencies to initiate simpler, cost-saving regulations. Under the Trump administration, federal regulations hit their lowest levels since the 1990s.

I have also co-sponsored legislation to reduce the growth of new agencies and programs and sunset unjustified existing ones. Legislation I co-sponsored would delineate a concise plan for instituting a full review of

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U.S. Sen.  
Mike Crapo



all federal agencies. S. 925, the Federal Agency Sunset Commission Act, would help streamline operations and identify inefficiencies of bloated federal agencies through the following steps:

- Create a 13-member bipartisan Commission to review the efficiency and public need for each federal agency.

- Require Congress to vote on the Commission's timeline for abolishment of agencies within a year of the bill's passage.

- Expedite the process for Congress to vote on a joint resolution either adopting or rejecting the recommendations of the Commission.

The legislation also takes into account the immediate and ongoing need to consider the likelihood of pending congressional actions to grow and duplicate the federal government.

Consequently, the legislation would require the Commission to review and report to Congress on all legislation introduced in Congress that would establish a new agency, or a new program to be carried out by an existing agency.

Additionally, the Commission would be required to recommend annually, in the form of legislation, whether the reviewed agencies should be abolished, reorganized or continued and whether the responsibilities of agencies should be consolidated, transferred or reorganized.

As stewards of federal spending, Congress must exercise its oversight responsibilities to prevent waste, fraud and abuse of federal programs. The federal government must be limited, and taxpayer dollars must be used efficiently to effectively help Americans. The Federal Agency Sunset Commission Act, the Unnecessary Agency Regulations Reduction Act and the Reducing Regulatory Burdens Act will help accomplish this oversight responsibility.

We must continue to do more to stop federal control from creeping into more aspects of our lives.

Mike Crapo, a Republican, represents Idaho in the U.S. Senate.