Editorials are written by or approved by members of the Capital Press Editorial Board.

All other commentary pieces are the opinions of the authors but not necessarily this newspaper.

# Opinion

**Editor & Publisher** Joe Beach
**Managing Editor** Carl Sampson
opinions@capitalpress.com | CapitalPress.com/opinion

## Our View

# Even the Biden administration opposes Prop 12

California's Prop 12 is so bad, even the Biden administration thinks the Supreme Court should strike it down.

Officially the Farm Animal Confinement Act, Prop 12 bans the sale of eggs, pork and veal products in California unless production facilities meet animal-confinement standards dictated by the state. The law applies to products produced outside the state of California.

California voters passed the measure overwhelmingly in 2018.

Those voters, and by extension state regulators, have the authority to mandate production methods within California's borders. But, Prop 12 also seeks to regulate how farm products are produced in other states if those products are destined for sale in California.

Because of the nature of this country's food production, processing and distribution system, food sold in California can originate from virtually any state. State rules adopted to enforce Prop 12 require any farm, anywhere, producing for sales in California to be certified annually by the state ag department, maintain specific records, and submit to inspections by California regulators.

Sierra Dawn McClain/Capital Press

**U.S. Supreme Court.**

The National Pork Producers Council and the American Farm Bureau Federation filed a federal lawsuit in U.S. District Court in San Diego, arguing that subjecting out-of-state producers to California's regulations violates the U.S. Constitution's Commerce Clause, which grants exclusive control over interstate commerce to the federal government.

Plaintiffs lost in the trial court, and again on appeal to the 9th Circuit Court of Appeals.

In 2021, the 9th Circuit determined the law doesn't have an "impermissible extraterritorial effect" because the hog-raising standards only affect pork sold in California and don't dictate prices or disfavor out-of-state meat.

The case is now before the Supreme Court. The administration has weighed in on the side of the plaintiffs against Prop 12.

It argues Prop 12 does not advance a legitimate local interest as California has no legitimate interest in the housing conditions of out-of-state animals. Prop 12, it says, has no "genuine health-and-safety justification" as there is no scientific evidence its production standards would reduce human food-borne illnesses.

It further argues Prop 12 unduly restricts and places a substantial burden on interstate commerce.

No one disputes California's authority to regulate livestock production within its borders. But what if Texas, Florida or any of the other states pass equally strict rules that are at odds with those outlined in Prop 12? A national food system can't function with 50 different sets of rules.

The real purpose of Prop 12's supporters was to use California's economic power to force a dubious animal rights agenda onto the rest of the country. It is activism masquerading as law, and bad law at that.

The judgment of the 9th Circuit Court of Appeals must be reversed.

If you don't believe us, ask Joe Biden.

# Wolves are not endangered; it's time for common sense wildlife management

GUEST VIEW

**Pam Lewison**

According to the latest count, Washington state is home to at least 206 wild wolves running in 33 packs. Wolves are so well established that some tribal governments have opened year-round hunting on the predators.

Yet earlier this year the federal government re-listed gray wolves in the western two-thirds of the state as "endangered."

Officials claim wolves cannot be considered "recovered" until they move west of the crest of the Cascade Mountains, regardless of how much the state wolf population grows.

On June 13, the Washington State Department of Fish and Wildlife issued a kill order for the Togo Pack in Northeastern Washington. It is the fourth kill order issued for members of the pack.

The order represents good wildlife management. Confrontations between ranchers and members of the Togo Pack have continued to be problematic through the years. Ranchers have been quick to adopt non-lethal measures first to drive wolves away, and only turn to a request for kill orders as a last resort when they've repeatedly lost livestock.

Gray wolf advocates have long argued ranchers should move livestock more frequently, employ more non-lethal measures, hire more range riders, and just keep piling on until depredations just stop.

Urban environmental advocates say ranchers should just put up with the losses, even if it means higher food prices. The question is: when wolf packs like Togo develop a taste for beef, will any level of deterrence ever be enough?

The scientific answer seems to be "No."

The best thing for both sides of the argument is to provide ranchers with a solution other than the now-infamous "shoot, shovel, and shut up" way of getting rid of problem predators. Officials should offer clarity for what "gray wolf recovery" in this state means.

Under the current definition of recovery, there must be at least "15 breeding pairs present in the state for at least three years, with at least four in eastern Washington, four in the northern Cascades, four in the southern Cascades/northwest coastal area, and three others anywhere in the state" or "18 breeding pairs documented during a single year and the distribution objectives are met."

Packs are now located in areas where gray wolves have access to food from deer and other ungulates. Until natural food stocks dwindle, there is no reason for the packs to disburse beyond their current range. Saying wolves must live in western Washington is unscientific and completely arbitrary when the natural population is thriving where it is.

In addition, Washington state should empower ranchers to protect their stock and allow responsible wolf management by issuing hunting tags to ranchers in known wolf pack territories. Each rancher in an area should receive one tag annually to be used defensively after the first loss of livestock during the calendar year. If a rancher was successfully able to fulfill a hunting tag, then a second tag could be issued.

Tags could be used as the only legal means for ranchers to protect their livestock with other hunting methods — trapping, baiting, poison — prohibited and punishable by a fine and/or jail time.

By empowering ranchers with limited hunting tags, one or two a year, rather than forcing them to continually rely upon WDFW for hunting support after depredations, ranchers will feel in control of their own destiny when it comes to gray wolf management. With smart management the natural wolf population would continue to thrive, ranch animals would be protected and, best of all, it would show the Endangered Species Act can be successful in recovering a wild animal population.

*Pam Lewison is a fourth-generation farmer in Eastern Washington and the research director for the Washington Policy Center Initiative on Agriculture. You can read more of her work at washingtonpolicy.org.*

# Anti-forestry lawsuit puts forests and communities at risk

GUEST VIEW

**Nick Smith**

Six anti-forestry groups are suing to block a new policy that would make it a little easier for the U.S. Forest Service to reduce wildfire risks and restore forest health on national forest lands in Eastern Oregon and Washington. In doing so, their lawsuit affects several projects that would conduct hazardous fuel reduction on at least 209,000 acres of land that's vulnerable to severe fire.

The lawsuit aims to preserve an outdated and unscientific rule from the Clinton era, known as the "Eastside Screens." It originally imposed a temporary rule prohibiting the removal of trees larger than 21 inches in diameter on national forests east of the Cascades, including the Malheur, Umatilla, Wallowa-Whitman, Deschutes, Ochoco, Fremont-Winema.

With little public involvement and no scientific justification, this temporary and arbitrary rule became permanent when it was amended into the management plans as standards for these federally owned forests.

In theory the rule was intended to protect and improve forest conditions associated with late-seral or old growth habitat. But in practice, it made it harder for the Forest Service to remove tree species that compete with native pine and are less resilient to fire such as grand fir or white fir. This compelled the national forests in eastern Oregon to pursue dozens of project-specific amendments to the 21-inch rule over the past 20 years in order to meet their desired forest conditions.

This arbitrary rule created an expensive and time-consuming process, and as a result, the Forest Service has struggled to keep pace with the growing risks and restoration needs of these forests, which places a variety of forest values and uses at risk.

During the 30 years of this temporary rule, anti-forestry groups enjoyed the status quo because it tied the hands of our public lands managers. They could also use it to block restoration projects they did not like, even if the science-based treatments were supported by collaboratives with diverse interests.

Rather than accelerate the trajectory of forests toward a late-seral structure, as sound forest management would help accomplish, this temporary, arbitrary and unscientific rule created forest conditions that are unnaturally dense and exacerbate risk to wildfire, insect and disease infestations, and drought.

Rather than lifting this rule completely, the Forest Service only made modest changes to its policy. In January 2021, the agency adopted the "Old Tree and Large Tree Guidelines," which includes diameter limits for tree removal ranging from 21 inches to 30 inches, depending on tree species, and an overarching age limit on tree removal of 150 years.

In announcing their lawsuit, anti-forestry groups labeled this modest change as a "Trump-era" rule allowing wholesale "logging of old growth." Yet the new guideline has given our public lands managers some flexibility to restore unhealthy forests by implementing science-based treatments that are appropriate to the landscape.

The Forest Service is using this new guideline to develop several projects on six national forests. One thing all of these projects have in common is their primary objective is not necessarily timber harvest, but hazardous fuels reduction and forest resiliency. Some projects are located in areas identified as Wildland Urban Interface (WUI) where the wildfire threat to communities is heightened.

It's unfortunate these groups would sue to block projects that would improve the health of our forests and reduce the risks to our public lands and nearby communities. As climate change continues to impact our forests, the Forest Service should be doing everything possible to prevent large-scale, carbon-emitting wildfires, while maximizing the ability of our forests to sequester more carbon and store more carbon in both healthy trees and wood products.

*Nick Smith is executive director of Healthy Forests, Healthy Communities, a non-profit, non-partisan organization supporting active forest management on federal lands. He also serves as public affairs director for the American Forest Resource Council, a trade association representing wood products companies.*

## LETTERS POLICY

Write to us: Capital Press welcomes letters to the editor on issues of interest to farmers, ranchers and the agribusiness community.

Letters policy: Please limit letters to 300 words and include your home address and a daytime telephone number with your submission. Longer pieces, 500-750 words, may be considered as guest commentary pieces for use on the opinion pages. Guest commentary submissions should also include a photograph of the author.

Send letters via email to opinions@capitalpress.com. Emailed letters are preferred and require less time to process, which could result in quicker publication. Letters also may be sent to P.O. Box 2048, Salem, OR 97308.