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Opinion

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Our View

The state's bias in the worker housing debate

Based on video from a recent task force meeting, Oregon farmers have reason to question the objectivity of state regulators as they contemplate upgrading farmworker housing rules.

This summer, a task force started by Oregon Gov. Kate Brown has begun discussing recommendations for increasing compliance with farmworker housing rules.

The task force will also make recommendations for capital improvements to farmworker housing, which would potentially be funded with grants, tax credits or low-interest loans.

The task force is an opportunity to make recommendations that may seem “way out there,” said Tim Mahern-Macias, community and stakeholder engagement specialist for the Oregon Housing and Community Services Department.

A June 16 task force meeting led by

Mahern-Macias included discussion of a lot of ideas farmers would consider “way out there.” A video of the meeting was posted on the agency’s website.

Maybe, Mahern-Macias suggested, instead of letting farmers run employee housing, the state could “compensate a farmer for part of their land” and use it to “build community-based housing.” Would that involve using eminent domain to take farmland for housing?

How about changing the state constitution and revising rules for “urban growth boundaries” and “exclusive farm use” zones to facilitate housing in areas it is not now allowed?

“As for ideas, the sky is the limit,” he said. “Don’t feel boxed in. Don’t feel like this is just another run-around.”

Part of a facilitator’s job is to get the ball rolling. Mission accomplished.

Farmworker advocates at the meeting said it’s disappointing that agri-

culture industry representatives are involved in housing discussions at all.

“Just the concept that we have to have these conversations and tip-toe around the farmers who are treating people inhumanely seems wrong at every level to me,” said Lisa Rogers, assistant director of the Casa of Oregon nonprofit.

What would you expect from an advocate? Had farm interests been present, certainly other perspectives would have been expressed.

But representatives from the Oregon Farm Bureau said though they have repeatedly asked for the dates of task force meetings, they have not been notified.

“At the end of the day, the growers are who we have to work with and we can’t change that,” Mahern-Macias said.

Mahern-Macias said that debating issues with opponents may feel like “forever work.”

“The other side will continue to exist and advocate for their own best interests, always for the end of time. It’s depressing,” he said.

Mary Anne Cooper, vice president of government affairs for the Oregon Farm Bureau, said it seems like the organization is being willfully excluded to appease community advocates.

“It’s a very obvious bias the agencies are allowed to show that is going unchecked by their superiors.”

After being contacted by Capital Press for comment, the Oregon Housing and Community Services Department said it would reach out to OFB about the perception of bias. We hope so.

Worker housing is the next thing on the regulatory agenda. Farmers shouldn’t have the deck stacked against them simply because they have an economic interest in the outcome.

Our View



Farmers Irrigation District

The Kingsley Dam near Hood River, Ore.

Why Oregon needs a water policy

Oregon desperately needs a coordinated, effective, results-oriented and clear water policy that the Legislature has approved and the governor supports.

Without it, irrigators, municipalities and other water users will have to fend for themselves.

But that’s what they’ve had to do for decades.

Around the state, water issues have been all but ignored or addressed only on an ad-hoc basis.

In Klamath Falls, for example, water shortages have existed for decades, yet the state has been ineffective in its efforts to resolve them.

In dry Central Oregon, the rapid population growth is straining the water supply, but the state is remarkably silent on how to address it.

Across the state, water supplies and quality are problems.

When irrigation districts do try to expand water storage, the state attaches strings that throw the effectiveness of the project into question.

Near Hood River, for example, the Farmers Irrigation District invested millions of its own dollars and dollars from the state to raise the Kingsley Dam to increase the amount of water stored behind it.

Only now the district’s leaders worry that the state has attached environmental strings to the project funding that will mean more water can’t be stored unless the stream flow is higher than regulators require.

The irrigators worry that stream flow requirement is unrealistically high, but the Oregon Water Resources Department disputes that.

Either way, the state will have helped fund water storage that potentially can’t be used during the driest years, when it’s needed most.

That may make sense to someone, but to water users — and taxpayers — it only demonstrates how Oregon continues on a path toward ineptitude on water issues.

People, agriculture and, yes, even fish depend on Oregon policymakers to get it right, but time and again they come up with self-defeating regulations.

Even when the Legislature decides to help with water projects, its intentions are subverted. In 2013, it passed a water supply grant program. The idea was to help irrigators and others build more storage. But the rule-making was an “unmitigated disaster,” said Jeff Stone, executive director of the Oregon Association of Nurseries, adding that “rule-making is where good bills go to die because everyone re-litigates all they wanted in the first place.”

Environmental groups say because public money is involved water users should expect to meet higher standards.

That’s an interesting thought, but the logic is missing. If the state’s rules don’t follow the legislation and instead make new storage unaffordable or unusable, they fail to accomplish what the Legislature wanted.

Fearing unrealistic regulations, some groups that need state help for water projects avoid the Water Resources Department.

Legislators see the shortcomings of the current situation.

Some lawmakers support “place-based” planning for water, allowing communities to develop plans. Unfortunately, they don’t have the authority to put those plans into effect, according to Rep. Mark Owens, R-Crane and vice chair of the House Water Committee.

Rep. Ken Helm, D-Beaverton, said the state needs a “water czar,” whom the next governor should appoint. “We need leadership from the governor. There’s no substitute for that,” he said.

What Oregon needs, though, is leaders in the Legislature who recognize the critical importance of water statewide and will develop a statewide framework that helps communities implement water plans.

The state’s role should be clear: to help, not get in the way.

Spin cycle: Anti-timber groups falsely claim victory after decisive defeat in high court

The Washington Department of Natural Resources (DNR) manages over 2 million acres of state trust lands to produce sustainable timber supplies and generate long-term revenues for defined public beneficiaries including counties, K-12 public schools, universities, hospitals and fire and rescue services.

The agency operates under a trust mandate that is embedded in the state constitution, and state and federal laws, including Congress’ 1889 Enabling Act that brought Washington and three other states into the United States. The mandate is clear — the DNR is obligated to manage state trust lands with an undivided loyalty to its beneficiaries.

As a result, state trust lands have been among the best-managed public lands in the West. They serve as working forests that sustain the state’s forest sector and rural economy, while supporting public services, outdoor recreation, clear air and water and quality wildlife habitat.

In recent years anti-forestry groups have been working to undermine forest management on these lands, just as they did on federal lands decades ago. They’ve hung their hopes on convincing the Washington State Supreme Court to redefine and weaken the trust mandate to stop timber harvests altogether.

In late July, they received an answer from the court. In a unanimous decision, the state Supreme Court strongly affirmed the trust mandate, handing a major legal victory to the DNR and the beneficiaries of state trust lands. The court dismissed all the allegations that the agency’s current timber management practices are inconsistent with the state constitution.

Ironically, anti-forestry groups are falsely framing this decision as a victory and are now calling on policy makers to radically change the management of these lands. Specifically they are spinning the court’s opinion to claim the DNR has wide discretion to manage state trust lands to accommodate the interests and demands of the public, including anti-forestry groups and their members, at the expense of the beneficiaries. In fact, the court soundly rejected claims that the DNR should have chosen other competing interests and public viewpoints to further reduce harvest levels.

Anti-forestry groups also claim the Supreme Court rejected the DNR’s current approach for managing state trust lands as inappropriately seeking to “maximize” revenue from state trust lands through aggressive timber

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Nick Smith



harvests. Yet DNR’s approach to managing timber harvests on state trust lands is not focused on maximizing revenue. It is focused on successfully, sustainably and predictably harvesting timber to meet its fiduciary obligation to beneficiaries today and into the future.

As a trust manager, the DNR has removed from management half of the state trust lands in western Washington under a Habitat Conservation Plan (HCP) and other policies to expressly provide greater certainty and predictability for the beneficiaries. The HCP would not be possible if DNR was exclusively focused on maximizing revenue.

Finally, anti-forestry groups are celebrating their false claim that the DNR is no longer required to sell timber from state trust lands. In reality, the Constitution and the Enabling Act have never been interpreted to require that trust lands be exclusively managed for timber production. The DNR has a fiduciary obligation to manage the lands in a manner that generates revenue for the beneficiaries.

The Supreme Court expressly stated that timber harvests enable DNR to make state lands productive, which aligns with its duties as a trustee. Until other uses meet or exceed the revenue generated from sustainable timber harvests on some of the most productive timberlands in the world, DNR has a fiduciary obligation to continue sustainably harvesting timber from state trust lands.

The Washington Legislature and Board of Natural Resources should reject efforts to terminate the state timber program. Rather, the DNR should follow the Supreme Court and take immediate action to fully implement its forest management goals, which includes providing timber needed for sustainable wood products, family wage jobs, and revenues for critical public services — just as the state constitution intended.

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.