

O EAST OREGONIAN PINION

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OUR VIEW

Sea lions expose conflicts in laws

It must have been quite a sight. As U.S. Rep. Kurt Schrader tells the story in his latest newsletter, he and representatives of the Oregon Department of Fish and Wildlife were at Willamette Falls, where sea lions were decimating the salmon and steelhead, which are protected under the federal Endangered Species Act.

"We witnessed a sea lion taking a bite out of a salmon before members of the Grand Ronde tribe who were fishing at the falls could reel it back in," the congressman wrote. "The depredation was stunning to see."

The sea lions are amazing predators, totally outmatching the fisheries and wildlife managers, who had already tried to evict them from the falls. They had scooped up 10 of the offending critters and transported them to new stopping grounds along the Oregon Coast, where they wouldn't be eating protected fish.

Within a few days, though, the sea lions were back at Willamette Falls. The pinnipeds had swum up the coast to the Columbia River and upstream to

the Willamette River all the way to the falls. It was a trek of a couple hundred miles.

The problem is that sea lions are also protected under federal law. The Marine Mammal Protection Act forbids anyone, including wildlife managers, from "taking" a sea lion, whale, dolphin, sea otter or polar bear without a permit.

The law, which Congress passed and President Richard Nixon signed in 1972, was aimed at preventing incidental take and harassment of the marine mammals.

In the Willamette Falls case, the salmon are protected under the Endangered Species Act of 1973. Congress — and Nixon, before he was run out of office — approved that law to protect local populations of fish, plants and animals. Note that it doesn't protect species so much as local populations.

At Willamette Falls, wildlife managers have a legal standoff: Protected sea lions are eating protected fish.

All of which would be mildly interesting to farmers in the Willamette Valley, except for one thing. Though populations of hatchery-reared fish are healthy, fisheries managers have been working overtime to rebuild the populations of native run fish in the river system. They outdid themselves recently with a plan to spend \$200 million to \$300 million to build a concrete tower in Detroit Lake to regulate the water temperature for the fish.

While that tower is under construction, irrigation water to 8 percent of the valley's farmland would be either cut off or reduced for at least two years.

Here the managers want to take drastic, and expensive, measures on behalf of protected native run fish and protected sea lions are killing them.

What to do?

ODFW last year applied to the National Marine Fisheries Service to kill the sea lions before they wipe out the salmon and steelhead. That agency, operating at the speed of government,

is expected to make a decision by the end of this year.

In the meantime, Schrader, a Democrat, and Republican Reps. Jaime Herrera Beutler and Dan Newhouse of Washington state and Rep. Don Young of Alaska have introduced legislation to update the Marine Mammal Protection Act.

Called the Endangered Salmon and Fisheries Predation Prevention Act, the bill would extend to states and tribes the authority to kill sea lions that prey on endangered salmon and steelhead. Sea lions have also been making a banquet of protected fish in the Columbia River.

It's a good first step toward getting a handle on this problem. And it might also be a step toward revisiting the Nixon-era environmental laws that conflict with one another and cost taxpayers hundreds of millions of dollars a year to protect local populations of fish, plants and wildlife.

If everything is protected, then nothing is protected.



YOUR VIEWS

Ryan Bounds' nomination a good day for justice

Ryan Wesley Bounds' nomination to the U.S. Ninth Circuit Court of Appeals was approved by the Senate Judiciary Committee on June 7. Lady Justice, with her blindfold and scales of justice, smiled.

Why? Because Lady Justice knows that Ryan Bounds of Hermiston High School, Stanford University and Yale Law, law clerk to Justice Diarmuid O'Scannlain, counselor to President George W. Bush,

and assistant U.S. attorney, will be a superlative justice.

Along the way, our two U.S. senators sullied themselves trying to waylay the confirmation of this worthy attorney and decent man. They failed. As they should.

After Mr. Bounds is appointed to the bench and hands down his decisions, Democrat and Republican alike will be surprised. Lady Justice will knowingly smile.

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OTHER VIEWS

Secret life, value of trees

While we were obsessing over the self-obsessive one, people who take a much longer view of things have been debating the question of whether trees talk to one another, experience pain, have sex and send out signals of distress about the eminent collapse of this little planet of ours.

Trees are sociable, it turns out, and even somewhat selfless, nurturing their drought-stricken or wounded arboreal siblings. They share nutrients. They suffer when a big arm is lopped during the growing season, or a crown is next to an all-night light. Some trees warn other trees of danger by releasing chemical drifts.

I found these relatively new discoveries not long after a giant fir came crashing down in my front yard during a freakish windstorm, nearly crushing my family and our century-old house. We were spared by 6 inches. But a question remained: What was the big guy trying to say?

Perhaps it has something to do with the 129 million trees that died from climate-change-aggravated drought and beetle infestation in California, or the 5 million acres of formerly sylvan green wiped out in Colorado by the same plague. Or maybe it's a president who dictated the largest single rollback of public land protection in our history, putting a national monument and its ancient flora at risk from predators with political connections.

Trees are fighting back, helped by others doing the talking for them. Sadly, we are past the point when an appeal to our better angels does any good. "It is worse than boorish, it is criminal to inflict an unnecessary injury on the tree that feeds or shadows us," wrote Henry David Thoreau. "Old trees are our parents, and our parents' parents, perchance." A lovely sentiment, but largely futile.

Instead, in this moment of mercenary politics, those of us who are out-proud tree-huggers have taken to citing the bottom line. And the winning argument here is simple: Trees are a vast source of wealth. A single national forest, the 1.7-million-acre Mount Baker-Snoqualmie east of Seattle, may be worth more in total value than the annual revenue of Amazon, the world's largest online retailer, according to a recent study by the Wilderness Society.

The clean water, timber, cultural and recreation opportunities of this one forest deliver more economic value than all of the failing U.S. coal industry. The entire outdoor recreation sector generates at least \$373 billion in gross domestic product, more than the gas, oil and mining industry, the government reported this year.

"I have mixed feelings about monetizing the geography of hope," said Peter Jackson, a writer and conservationist, using one of



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the best-known phrases of Wallace Stegner. A wilderness in the Cascade Mountains is named for his late father, Sen. Henry M. Jackson, a giant of Congress from an era when support for purple mountain majesties was bipartisan.

So why is the Trump administration trying to prop up unprofitable coal plants, in a move that could cost consumers hundreds of millions of dollars, while an

unsubsidized industry based on nature's glories has to fight the administration? Plus, coal-burning, one of the biggest producers of earth-warming carbon, is an indirect killer of those life-supporting and economy-enhancing forests.

The president is a fossil fool, but beyond that, he's never taken a view that extends to the world that Ivanka's grandchildren will inherit. His bias for dirty 19th-century energy is based on pleasing a coal industry that has gone from employing 883,000 people in the 1920s to barely 50,000 now. If the free-market philosophy were still the bedrock principle of governing Republicans, coal would be left to the creative destruction of capitalism.

Beyond the economic value, trees force us to measure time in epochs. In 1870, Victor Hugo planted a tree outside his home in exile on the island of Guernsey. His hope was that when the little sapling was a mighty oak, Europe would be unified. The European Union and Hugo's plant are still standing, though the tree may be in better shape than the EU.

A spruce in Sweden, which sprouted sometime after the last ice age, is 9,500 years old, having survived all the upheavals of history and weather. But will it live through the current era?

In "The Hidden Life of Trees," an international best seller by Peter Wohlleben, and "The Overstory," a masterful new novel by Richard Powers, forests are main characters, crying to be heard. In the summer, Powers writes, water traveling through a single chestnut "disperses out of the million tiny mouths of the undersides of leaves, a hundred gallons a day evaporating from the tree's airy crown into the humid Iowa air."

Some scientists think it's wrong to anthropomorphize trees. They aren't sentient life-forms and can't really "talk" like that grumpy apple tree Dorothy encounters on the way to Oz. But surely they communicate, through a system that foresters compare to the neural networks of humans. It's worth a listen.

Timothy Egan worked for 18 years as a writer for *The New York Times*, first as the *Pacific Northwest* correspondent, then as a national enterprise reporter.

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