

O EAST OREGONIAN PINION

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OUR VIEWS

Once again, it's time to fix the ESA

A federal judge has dismissed a third lawsuit filed by an environmental group to stop the U.S. Fish and Wildlife Service from shooting barred owls in an experimental attempt to boost numbers of the endangered spotted owl.

At the same time, the service is struggling to explain if the program made any difference.

Northern spotted owls were listed as threatened under the Endangered Species Act in 1990. Environmental groups blamed its dwindling numbers on the logging of old growth forests, the owl's preferred habitat. As a result, logging in the Northwest, particularly on federal lands, was greatly reduced.

While this had a devastating impact on local economies built on the timber industry, it didn't seem to do much for spotted owl populations. Wildlife managers say that's because another species, the barred owl, moved into the territory.

The barred owl is native to the



Capital Press, File

A federal judge has dismissed the third lawsuit challenging the removal of barred owls to make way for spotted owls, which are listed as threatened under the Endangered Species Act.

Eastern United States, though for more than a century it's been making its way farther West. It's bigger and more aggressive than the spotted owl, pushing its little cousin out of its territory. It also is more adaptable, preying on a variety of small animals, birds

and reptiles where the spotted owl has a more limited diet.

Five years ago the Fish and Wildlife Service began an experimental program of shooting barred owls in selected locations to reduce pressure on spotted owls. The project is controversial, even within the service, because it involves killing one protected, although plentiful, species to revive another.

Enter the Friends of Animals, which has filed three separate lawsuits to block the service from shooting barred owls. Each has been dismissed. Last month U.S. District Judge Ann Aiken ruled the nonprofit lacked the legal standing to file its third complaint in federal court. The group plans an appeal.

For its part, the government has not been able to show the program has done anything to boost spotted owl populations. It has markedly reduced barred owl populations. Since the experiment began, the agency has removed 2,086 barred owls through the end of 2018, up from 1,148 at the

end of 2017.

The service hopes to have enough data compiled this month to have a more conclusive analysis of the program by mid-year.

So, the saga of the spotted owl continues.

All of this would be somewhat amusing if farmers, ranchers and loggers in the Pacific Northwest didn't have a stake in the Endangered Species Act and wildlife restoration projects undertaken by government agencies.

One of the most vexing aspects of the ESA is the lawsuits that it generates. Farmers and ranchers too often find themselves the defendants. But the government and taxpayers aren't immune to lawsuits.

Any time the government kills one species — sea lions, cormorants, barred owls — in a dubious attempt to save another, someone sues. Who could foresee that?

This whole affair is an example of how the ESA is fundamentally broken, and why Congress must fix it.

OTHER VIEWS

Washington's new power structure

Dear Senate Republicans,

I really enjoy spending time with you. You are interesting and excellent company (I really mean that!). When I'm with you, we often enter a magical land in which Donald Trump doesn't exist. You're eager to tell me about the issues you're working on, and sometimes we have these substantive conversations in which we get to ignore the raging dumpster fire on the other end of Pennsylvania Avenue.

In fact, sometimes I think the Senate isn't a legislative body; it's the world's most expensive writer's colony. Half the senators I meet are writing books.

But there's one question, which I'd like to ask of practically every member of Congress. Why are you so dispossessed?

You take all the trouble to run for public office and, against all odds, you actually get in a position to wield influence. But then you accede to a thousand small decisions that you and your predecessors have made, and you give it all away.

There are 535 Americans elected to Congress, but the way things are arranged now only three have real power — Nancy Pelosi, Mitch McConnell and Chuck Schumer. Only a handful of others — in leadership — have a whiff of power. The rest of you have rendered yourselves less powerful, in a way never envisioned by the founders.

You Senate Republicans are in a double bind because what power you didn't give to the majority leader you gave to Trump.

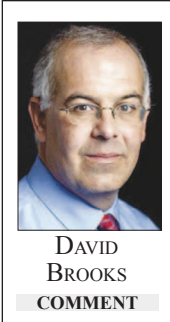
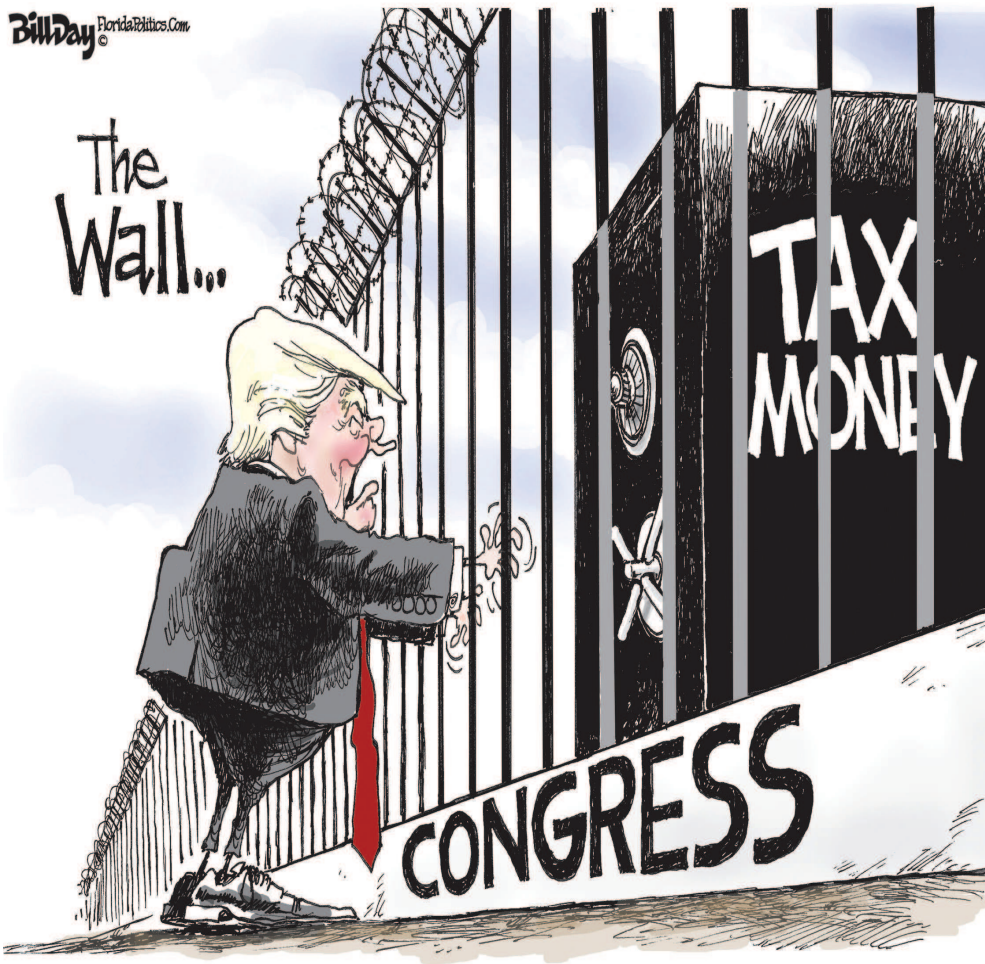
All of you know more about policy and the craft of governing than Trump.

But you didn't want to get ahead of Trump and lead independently because you didn't want to offend him and be primaried. So you adopted a hunkered-down defensive crouch just to get through each passing day.

I understand why you were deferential in 2017 and 2018. But the Democratic capture of the House changes everything and gives you an opportunity to lead.

First, there is a good chance that the Democrats will impeach Trump this year or next. When that happens, you Senate Republicans are effectively the jury. Suddenly Trump needs you more than you need him.

Suddenly he's going to be much less

DAVID BROOKS
COMMENT

likely to go against you personally. Even the mere specter of impeachment changes his whole attitude toward you.

Second, the power structure of Washington has fundamentally changed. Pelosi is now one power center. Trump is another. You Senate Republicans are the fulcrum between the two. You are the crucial players in this drama if you decide to make yourselves that.

Take the government shutdown fiasco, for example. On one side there is Trump, who wants a concrete or steel wall — which is an inane policy, but there it is. On the other side is Pelosi, who says walls are immoral. No money for a wall. Pelosi's policy is equally inane. We've already got 654 miles of fencing on the southern border. It may be wasteful, but how is it "immoral" to go up to 800 or even 1,000 miles?

This is where you come in. You are at the fulcrum between the absolutist inane positions. You have the power to create facts on the ground.

You pass the obvious deal that everyone has been talking about for a year: a wall for DACA. Trump won the 2016 elec-

tion offering voters a wall — so he gets \$5 billion for "border security," which he can claim is a wall. The Democrats won the 2018 midterms offering voters a path to citizenship for the Dreamers, so they get their path. This deal has fallen apart in the past because people got greedy. Republicans wanted to add interior enforcement measures. Democrats wanted a broader amnesty. But you're professionals. You pass a bill that simple and skinny. A wall for a path.

By passing an actual bill you cut through the dysfunctional negotiations at the White House. You make Trump and Pelosi come to you, to accept or reject.

Moreover, this general approach can be applied across policy areas. It does not mean going against Trump or your base. You are giving Trump things he's unable to get on his own. It doesn't mean crushing the Democrats. It means governing within the reality of divided government. It means exercising leadership to create a government that actually works.

David Brooks is a columnist for the New York Times.

YOUR VIEWS

Wall a poor use of taxpayer money

Our government should not spend money to build more wall or fence on the southern U.S. border.

It would be a waste of taxpayers' money to build more miles of physical wall. There is already physical wall through urban areas, places where the delay caused by a wall allows border agents to arrive quickly to catch anyone who crosses. Building wall through empty reaches of desert makes no sense. Instead, technology would be a more effective way to find and track people coming illegally across the empty spaces. Besides, those coming across the border are not terrorists — they are the tired, the poor, the huddled masses seeking asylum.

I don't want a compromise bill to spend tax money foolishly. Let the President make a specific case for border security that addresses physical wall, more border patrol agents and up-to-date technology. Let him make the case for that being more important to our long-term security than adequate education or infrastructure. Then let Congress consider that request. Don't waste our tax dollars on a blank check for an ineffective project just so the President can keep a campaign promise.

I don't want a partial federal shutdown to continue. That is harming our national security. Congressional Republicans should tell the Senate Majority Leader to let Congress do its job. The Majority Leader should bring a House bill on funding the government to a Senate vote and have senators judged it on its merits. He should not abdicate his responsibility to the President. Republicans from both houses need to school their Senate Majority Leader in who he represents and serves. Congress must be allowed to do what it believes is in the best interest of the country.

End the shutdown. Stop holding our country hostage to a campaign promise. Let the President make a well-reasoned request for funding for border security. Let Congress do its job and get the President to do his job.

Lindsay Winsor
Milton-Freewater

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