

OUR VIEW

Let high court have its say on WOTUS

It's rare that an issue creates near-unanimity among agricultural groups, but the federal government's continued mishandling of the Waters of the U.S. rule has done just that.

The American Farm Bureau Federation, the National Farmers Union, the National Association of State Departments of Agriculture and scores of other agricultural groups agree that the Environmental Protection Agency and the U.S. Army Corps of Engineers should stop, back up and wait for the Supreme Court to rule on WOTUS. Then if they need to clarify WOTUS in some way, they first should listen to farmers and ranchers about their concerns.

The EPA and the Corps have been bumbling their way through WOTUS rewrites for years, ever since the U.S. Supreme Court first muddied the rule with its own interpretations. The justices used nebulous terms such as "nexus," which sounds more like a brand of automobile than a way to manage water.

The EPA and Corps have done no better. Any middle school English teacher would flunk the agencies' authors for their lack of clarity. Injecting legalese and vagueness in nearly every facet of the rules, a farmer would need a lawyer, hydrologist and a fortune teller to determine what, exactly, the agencies are trying to say.

First the Obama administration tried to clear up WOTUS and failed, then the Trump administration tried with some success. Then for a reason yet to be explained, the Biden administration jumped into WOTUS again. They say any project that doesn't involve meddling by the federal government threatens clean water — despite the fact that states are also involved and perfectly capable of protecting water not within the federal government's purview.

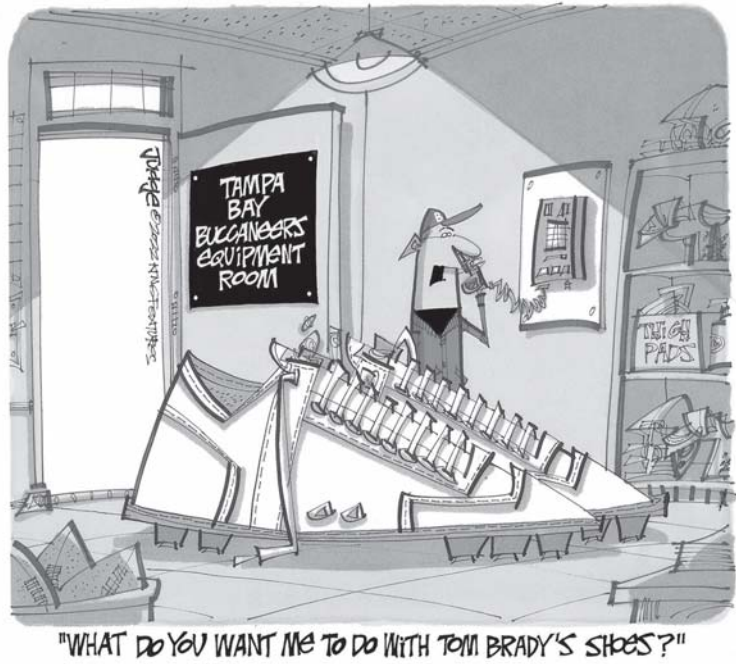
Which would be funny if it didn't demonstrate how feckless the folks at the EPA and Corps are. They must not have anything else to do. What's missing from their work product is proof the Clean Water Act needs to be strengthened. All they seem to be doing is bowing to environmental groups.

At issue is the portion of the federal Clean Water Act that includes navigable waters. Time was, navigable water meant just that — rivers and lakes on which boats can travel.

But that was too clear — and too narrow — for some folks, who want to include not only rivers, lakes and streams, but ditches, seasonal creeks and everything up to and including mud puddles.

Later this year the U.S. Supreme will take another swing at WOTUS. Hopefully, it will do a better job than before. Justices, who are trained in the law but not in plain English, are not known to be wordsmiths.

In the meantime, the eager beavers at the EPA and the Corps of Engineers would do well to take a break and let the Supreme Court decide the issue. If any changes to WOTUS are required, the justices will let them know.



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OFF THE BEATEN PATH

My Tongan writer's retreat

On Jan. 15, an underwater volcano erupted in the Ha'apai Islands group, Kingdom of Tonga. News updates related the destruction from ash and the tsunami.

I'm stunned by the news, even more so as I've visited there.

Several years ago, I announced to my adult children, "I'm taking a trip to the South Pacific."

"How come the South Pacific?" one asked.

"Writer research."

"What Mom means — that's an excuse to take a vacation."

Since I travel on the VLB (Very Low Budget) travel plan, some of the kids helped me reserve places to stay so I wouldn't end up stranded overnight on a deserted beach with only a beach towel.

Years ago, I visited the Tongan Ha'apai Island group, the smallest and least developed of the island groups and now the offshore site of the eruption.

When I flew there, from the air I spotted the road that ran the length of the island. The landing strip ran across the island. I saw airport staff running to close gates on the road to keep vehicles and animals off the runway while the plane landed.

After I got settled in my one-room fale (cottage), I took a taxi to a nearby café. The few customers sat outdoors around one table at dusk.

"You traveling American," the German backpacker said to me, "you now official Travel Writer."

The cook, Tongan taxi driver, and a young English couple on their way to New Zealand agreed.

I savored the words, Travel Writer, like a morsel of suckling pork from an umu.

I'd met the English couple a week before on another Tongan



Jean Ann Moultrie

island over dinner illuminated by citronella candles and lamplight. They initiated a multicultural discussion with fellow travelers on how to save pigs — specifically, Tongan pigs destined for banquets and Sunday feasts.

While our food cooked, the English couple gave a project update. "We're making efforts to establish a no-fly zone over the proposed Piggie Island."

They heartily endorsed my Travel Writer status. Even though I was staying at a place where my shower consisted of a garden hose draped over a fence, I noted them to be a couple with incredible insight regarding my credibility related to travel writing.

I attributed these illuminating bursts of brilliance from all of us to large doses of South Pacific sun, sand-encrusted sunscreen, the persistent scent of mosquito repellent, and time spent off the power grid.

After dinner, I returned to my fale. As the power generator growled to a halt and I fumbled in the dark to light a candle, my first Travel Writer insight emerged.

Travel Writer's Tip #1. Do not accidentally burn your passport.

The next morning, I strolled past palm trees and a beached boat to the ocean. I yelped with pleasure.

I discovered the quintessential Travel Writer's Retreat. My Retreat!

The beach shack consisted of five poles that supported a roof composed of crossed poles topped with woven palm fronds as weathered and brittle as corn shocks on an Amish farm. The structure was large

enough to accommodate two beach towels or one eager Travel Writer.

I announced my plans to the owner's wife. "You've got to be kidding," she said.

She was immune to sea- and sun-crazed tourists.

I yearned for something official. "You can use the beach shack anytime you visit," she insisted.

A Travel Writer is persistent. I begged.

She relented. "OK, a token payment for 'utilities.'" This covered heat, lights and cooling, basically covering sun, wind, and bring your own drinking water.

A few days later at sunrise, I hiked to the beach to bid the retreat farewell.

I plopped down on the ground in my "decorated cubicle" and hefted a sea-washed coconut, papaya-sized hunks of coral and a handful of shells. The sand I squished through my toes felt coarse like the coral chunks it was — not yet evolved to soft and powdery.

Now as I hear the news about charitable groups rushing supplies and aid to the Tongan Islands, I recall the frightening times when Mount St. Helens erupted. It seems most anytime in the news, there are reports of forest fires, winter storms, hurricanes, earthquakes, tornadoes, or droughts — with humanitarian-minded people reaching out hands to help.

Jean Ann Moultrie is a Grant County writer. Her VLB (Very Low Budget) travel plan has not caught on, with her fine dining consisting of bread and peanut butter from a grocery store and the airplane choice filled with 200 mothers and grandmothers and 100 crying babies.

LETTERS TO THE EDITOR

Aquatic center survey is fatally flawed

To the Editor:

In the Feb. 9 BME, "Survey says: Voters split on pool bond." While the editor gives a fairly positive outlook using the right facts, I feel we must look at the "other side" also.

To start with, this survey is terribly flawed for the following reasons: Some citizens could not address the platform provided by the hired California firm on their computers. I know also of at least two households out of the JDCC Parks and Rec district that were included. So when Lisa Weigum "emphasized" the fact that voters "only included voters inside the district" is false.

I informed her at a P&R meeting of the issues why the survey they approved with taxpayers' money was flawed. Failing to realize it shows a continued level of incompetent behavior by the district. \$25,000 down the drain like unused water.

Weigum also should have recused herself from any vote in reference to this project of the pool. She has been an advocate of an earlier effort and testified in favor of this project thrown at taxpayers by the city of John Day.

If you agree with the narrative of this survey being legit, then you should not have to go very far into the analysis of it. On the subject of "serious problems locally," the issue states "A lack of activities for young people" places on the bottom of the list. It was fifth out of seven items. This has been the top selling point in the JDC-CPR narrative of this latest, continued, assault on taxpayers.

This is just a few problems with this city of John Day project which the P&R has decided to pursue even after being rejected by a survey executed in the town of Canyon City, which Weigum now is a councilor. Talk about hypocrisy!

This is about the city of John Day trying to raise everyone's tax liabilities in the county. Now beyond the county's borders with Green's involvement in the Tri-Cities Coalition (3R), costing the city's taxpayers money while abolishing the police.

I hope "all" voters show up and vote no when this levy/tax shows up on the ballot.

Bob Pereira
John Day

River Act a step in right direction

To the Editor:

Like many of our Northeast Oregon friends and neighbors, we support the River Democracy Act proposed by Sens. Wyden and Merkley. We offer here a few of our reasons:

Meaningful action addressing life-threatening climate change is overdue. Our waterways pay a heavy price for our drive to squeeze every last penny from natural resources. Centuries of destructive practices have damaged every ecosystem on earth and threaten planetary life itself.

Our full-speed-ahead enterprise destroys plant and animal species at mass extinction rates, canceling them from our intricate web of life. In light of climate change and biodiversity collapse, destructive "business as usual" practices are worse than

senseless. We know better. Passing the River Democracy Act is a modest, yet important, step towards protecting and restoring our natural world.

The River Democracy Act does not "lock up" our public lands. They remain as accessible as ever. Wild and Scenic designation allows restoration of these waterways and protects them from future degradation. Sen. Wyden and his staff have carefully listened to stakeholders and specifically addressed their concerns in the bill.

Maps abound: A statewide map depicting all of the proposed stream reaches is found at tinyurl.com/rdamap. The River Democracy Act itself forms an atlas, its stream names and geographic details easily found on any map or GPS device. Acquiring ourselves a detailed map of Killamackue Creek, we find its reach length is indeed 4 miles, contrary to a public official's complaint it was but 2 miles, as printed in the Feb. 2 Baker City Herald.

We need long-range thinking to protect the natural systems on which all life depends. Two years ago local citizens, businesses and organizations answered the call for nominations, did their homework, and made their recommendations, since reduced to protecting just 4% of Oregon's waterways. The River Democracy Act represents local knowledge and expertise in managing local resources for a sustainable future.

Thank you, Senator. Now is the time to pass the bill. Our kids, grandkids, and future generations will thank you, too.

Mike Higgins
Mike Beaty
Halfway