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Opinion

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OUR VIEW

Analysis proves the impact of phasing out OT exemption

Two economists from Oregon State University last month released an analysis that shows new agricultural overtime rules will negatively affect farm profitability and could decrease weekly earnings of workers.

Say it ain't so. Who could have foreseen such an outcome?

Well, everyone who has ever tried to cover a payroll, and any number who haven't but who have a bit of common sense, that's who. But it's always good to have the data.

The Fair Labor Standards Act, passed by Congress in 1938, established a federal minimum wage and provided for overtime pay for work over 40 hours. The act also provided 19 job classifications,

including farmworkers, that are exempt from the overtime rule. Most states adopted similar legislation.

Worker advocates have long argued that the exemption was the product of racism and pandering to the needs of special interests. It was a compelling argument for legislators.

On its face, it's difficult for most people who don't understand the economics of agriculture to see why all hourly workers shouldn't be paid overtime for working more than 40 hours a week.

Following California and Washington, the Oregon Legislature voted in 2022 to phase out the overtime exemption for agriculture.

But, an analysis by Oregon State University economists Timothy Delbridge and Jeff Reimer shows the unintended consequences of good intentions.

They used individual records of anonymous employee hours and wages. That information



Don Jenkins/Capital Press
Manson, Wash., farmworkers Pedro Rodriguez, left, and Tomas Martinez hold signs Feb. 4 on the Capitol steps in Olympia at a rally protesting Washington's overtime law for agriculture.

usually isn't available but was shared by businesses. Delbridge wrote on the OSU Applied Economics Outreach Blog that new overtime rules will cause a "period of disruption" for Oregon agriculture.

That, perhaps, is an understatement.

"With agricultural overtime laws in place, farm managers have a strong incentive to organize work schedules in a way that minimizes overtime costs, and this may include reducing the hours per week that an employee works. In fact, data on farm worker employment from the Bureau of Labor Statistics show that the average number of hours worked per week per employee has fallen in California relative to the nationwide averages, just as their ag overtime policy phased in."

Some workers will be better off, but many will be worse off," Delbridge said. "I think the general public may be surprised by the

worker side of things, but it's consistent with everything we've seen."

The workers haven't been surprised. Most knew from the beginning that phasing out the exemption would hurt more than it helped.

Farmers will buy as much labor as they can afford, invest in automation, or switch to crops that are less labor intensive. With any of those options, those suffering most will be the farmworkers who depend on money earned during the most intensive periods to carry them through the winter.

We think everyone performing farm work should be paid as much as business conditions allow. But we know that mandating overtime won't change the basic economics.

GUEST VIEW



Logging, planting could thwart powerline fires

By Russ Sapp and Bob Zybach

My name is Russ Sapp, and I have been a Board Member of Consumer's Power, Inc. (CPI) for the past 30 years. I grew up in Alsea Valley, where my dad logged for my grandfather's sawmill, and I became the third in five generations of a local logging family.

Bob Zybach and I probably first met as parents at an Alsea vs. Eddyville eight-man football game in the late 1970s or so. My family did logging and sawmilling, while his did prescribed burning and tree planting.

Our long-time mutual friend, Wayne Giesy, formally introduced us when I was running for Benton County Commissioner and Bob was working on his wildfire Ph.D. at OSU, sometime in the early '90s. A few years later they formed an educational nonprofit, Oregon Watersheds Project, Inc. (ORWW), and we have worked together on forestry research and education projects off-and-on ever since.

This opinion piece is being coauthored by the two of us because we share very strong concerns regarding the wildfires that have been taking place the past 30 years and the devastating effects they have had on rural Oregon towns and families, including our own.

In recent years, several major wildfires have been attributed to power companies that have resulted in millions of burned acres, dozens of lost lives, thousands of damaged homes, billions of dollars in legal fees and property damages, and hundreds of millions in fines.

Were these fires the results of poor business management, needed electricity use by customers, and/or poor forest and shrubland maintenance on public lands?

Blame keeps being assigned to railroads and electrical companies because they have the "deep pockets" and can be sued. The problem is fuel, though, and not the source of ignition. We didn't have these problems in the 1960s, 70s, or 80s, so why now?

Thad Springer was a neighbor, a good logger, and a high climber. In the 1980s he impressed on me the importance of delivering safe, affordable and reliable power to our rural CPI members and communities. Whenever there was a windstorm or bug infestation, we would contact the USFS, BLM, or State and report windthrown, dying, or dead trees.

Meanwhile, Bob and his crews were also

cutting snags ("dead trees") and danger trees in logging units before broadcast burning the fuels and planting with young seedlings.

Then things began to change.

About that time the political "environmental movement" and academic "forest ecologists" began claiming that "healthy forest" were those in which large snags and logs formed "critical habitat" for certain birds, bats, or fish. Lawsuits followed and proponents actually began girdling and topping trees to create even more snags!

"Roadless rules" were installed, logging stopped, streamside buffers created, lawsuits continued, and within a few years all of these accumulating fuels began burning in catastrophic wildfires -- as had been clearly and scientifically predicted.

"Climate change" was given as the excuse, but it was our woods and towns that were burning up, and we could clearly see it was the neglected trees and snags that were much of the problem.

Man is the only animal that can start a fire, whether building a campfire, cooking a meal, careless smoking, driving a car, using electricity, or as an arsonist.

How to fix? Burying power lines is very costly and is still subject to landslides and uprooted trees during windstorms.

Right-of-ways have historically been as little as 20-foot wide through private properties and pruning and maintaining adjacent trees and limbs is also very costly, and difficult to keep up with new growth or windstorms.

Shutting off power during windstorms or wildfires eliminates water pumps, medical equipment, and lighting for families who need them most during such emergencies.

The solution for dealing with these problems is simple -- but might require some form of legal action or regulation: systematically log all trees within a tree-length of a powerline and replace with new income-producing vegetation that doesn't reach the lines, such as Christmas trees, grapevines, community gardens, or pasture grass.

That approach would resolve a major problem, result in tax-producing jobs, and maybe customer savings in electricity costs. And certainly, the risk of catastrophic wildfires and major financial losses from powerline wildfires would be greatly reduced.

Grant PUD commissioners' statement on Route 4b Transmission Line protest

By Grant PUD commissioners

Grant County PUD was at the center of a recent article in The Capital Press. Many of the comments made in the article were inaccurate with omissions, assumptions and accusations made. The Commission is responding publicly to the landowners and other public residents to correct inaccurate information.

Public notices about the transmission line project were communicated through various processes that the PUD utilizes in an outreach process. They included but were not limited to a direct mailer to over 600 property owners within 1,000 feet of the proposed projects, social media press releases in The Quincy Valley Post Register 1/27/2022 and 2/3/2022, in The Columbia Basin Herald 1/28/2022 and 2/4/2022, PUD press releases via online newsletter, billing inserts, and notification to state agencies and tribal government partners.

Open houses were held in person on Feb. 22, 2022, in George, Wash., at the George Community Hall, 5 to 7 p.m., March 2, 2022, at the Port of Quincy, 5 to 7 p.m., and a virtual option on March 3, 2022, from 6 to 7 p.m.

After the three public meetings and allowing time for public comments, a route determination was made. Two of the proposed line routes 1 and 2 presented challenges not only with the Washington Department of Fish & Wildlife with a land swap mitigation process but they are also highly sensitive cultural areas. Route 3 was incumbent with Department of Natural Resources and Bureau of Reclamation Land that would require an environmental impact analysis. It was determined that after public comment or lack thereof, Route 4b appeared to be the best option.

From the comments received by the public, three favored routes 1 and 2, five favored route 3 and 10 favored route 4b. It was also determined that the best route from a business perspective was 4b as it would allow the PUD to move the poles out of the Grant County franchise easement on Beverly Burke Road by moving the poles approximately five feet inward from where they currently existed.

In December 2022, a letter was sent out to inform the public of the line route announcement being 4b.

After that announcement there were a few landowners that expressed concern about the route and attended some Commission meetings expressing that concern. At that time an informational meeting was scheduled in George at the George Community Hall on April 12, 2023. The meeting was attended by 73 people along with PUD staff and the Commission to explain the logic of the selected line route and the pros and cons for all the line routes.

Since then, there has been much speculation from some of the landowners on where poles will be placed. These landowners have not allowed the PUD a right of entry to mark a pole location to have a conversation with them about pole placements. We would encourage landowners who have refused a right of entry to allow one and have a productive conversation on what an easement is, how it affects them and how poles can be adjusted if necessary to accommodate them.

The Commission wants to assure

landowners what an easement is and is not.

An easement allows the PUD permission to use a space of land in perpetuity where a pole is placed and the overhead swing of the wires for when wind moves lines back and forth as per set specifications by electrical codes.

Those codes also have restrictions on building under or alongside so the lines do not get tangled up in other infrastructure that could be placed by or under the power lines such as a tall building or a cell tower.

It does not restrict farming under the power lines or stacking hay with height restrictions and does not take ownership away from the landowner.

It has been the Commission's directive to PUD Staff to work diligently with landowners on pole placement so as to not interfere with the operation of irrigation equipment. Pole placement can be adjusted with adding poles to mitigate out a pole span width to allow for irrigation equipment to have ample clearance without modifications to the equipment. Unless a home is within the easement itself, the easement would not present a risk to the home or PUD infrastructure. By way of reminder, the easement is for aerial concerns of the wires, the pole placement itself is minimally intrusive itself.

The portion of the line route that is being disputed is predominately from Frenchman Hills Road north to where it intersects north of George, Wash., at the current 115 kV line on Beverly Burke Road.

On this section of the route, the poles will be moved in approximately five feet from where they currently sit along Beverly Burke Road. The easement being asked for is approximately 50 feet from the landowner as the other half of the easement will be utilizing Beverly Burke Road totaling approximately 100 feet.

Currently there will be pole replacement from State Highway 26 at the Jericho substation north on Beverly Burke Road to where it intersects with the 115 kV line north of George. A total of 205 distribution poles will be removed and replaced with 296 new poles that include both transmission and distribution.

Total land used for new pole placement in that section is approximately 3,720 feet or about 0.85 acres. Total easement acres for that corridor from Jericho to the 115 kV line with some crossing through dryland is 86.5 acres, not 455 acres as stated. Most of the dryland areas have the right of entries or easements currently procured and the balance of that disputed section parallels Beverly Burke Road.

The Commission has considered the routes diligently and the load growth that needs to be served. We have food processing, steel manufacturing and data centers that are requesting power. The county will continue to grow, and we are tasked with how to deal with the power delivery needs of that growth whether it is transmission or new resources. It is not the Commission's desire to condemn any landowner's property; we take that very seriously.

Unfortunately, there are those occasions when we are not allowed to have a productive conversation with landowners about easements that force us to take such action.