

What happened to Otter's states' rights mojo?

Marty Trillhaase/Lewiston Tribune

No Idaho politician on the scene today has spent more energy complaining about the heavy hand of the federal government than Gov. C.L. "Butch" Otter.

Says Otter, the feds impose top-down mandates that are ruinous to Idaho businesses and onerous to Idaho citizens.

It is fiscally irresponsible.

And it mismanages Idaho's public forests and range land.

In his 2010 State of the State address, the governor objected to "the federal government in its infinite wisdom ... casting aside the collective judgment of the people born to this land and who care most about it in favor of bureaucratic nonsense and an invitation to endless court battles. ..."

The next year, he maintained his pledge to continue fighting national health care reform: "We are actively exploring all our options - including nullification."

By 2012, Otter was railing against a smorgasbord of federal slights - "programs and policies aimed at imposing greater burdens on taxpayers, locking up our natural resources with regulatory roadblocks, imposing top-down mandates and creating one-size-fits-all government 'solutions' to our challenges."

In 2013, it was the same song, second verse: "Even putting aside wolves and grizzly bears, there's no doubt that the threat of federal edicts on sage grouse, slickspot peppergrass, woodland caribou and other species have a profound impact not only on public policy here in Idaho but also on how our farmers, ranchers and others can pursue their livelihoods."

Earlier this year, a newly re-elected Otter continued to resist federal court rulings tossing out Idaho's state constitutional ban on same-sex marriage: "In the absence of any federal consensus on a multitude of issues, too often the courts become the last refuge both for public policy disputes and safeguarding our freedoms."

Yet, when it involves the U.S. Department of Energy, Otter becomes Gov. Compliance.

Last week, the DOE pulled its plans to send the first of two shipments of spent nuclear fuel - 200 pounds and 50 rods in all - to Idaho National Laboratory outside Idaho Falls. The project is worth about \$20 million a year to the site - and shores up its mission as the nation's lead nuclear research installation.

But INL is behind on two clean-up milestones under the ground-breaking 1995 settlement agreement then-Gov. Phil Batt signed with the federal government. Nearly three years have

passed since INL was supposed to solidify and stabilize about 900,000 gallons of high-level radioactive liquid wastes sitting in steel tanks on the Arco desert.

More than \$600 million has been spent on an Integrated Waste Treatment Unit that has yet to process one gallon.

Until the Waste Isolation Pilot Plant at Carlsbad, N.M., reopens, the INL can't meet its other deadlines for shipping wastes out of the state.

Under the Batt agreement, no new spent fuel shipments from commercial reactors can enter the state without a waiver signed by both Otter and Attorney General Lawrence Wasden.

Among those standing up for the agreement - and against the DOE's plans - are Batt and his predecessor, former Gov. Cecil D. Andrus, who famously closed the border to new nuclear waste shipments back in the early 1990s.

So what did Otter do?

Tell DOE to stuff it?

Nope.

The states' rights warrior complained about those who "are mired in the past" - a not-too-nuanced shot at Batt and Andrus.

He described the DOE and Energy Secretary Ernest Moniz as "a reliable partner ... who recognizes the value of the INL and continues to address the issues involved."

Then he took an apparent jab at Wasden by saying he understood DOE's position when " ... we are publicly divided on the future mission of the lab."

Otter may be willing to trust the federal government and take its money; Wasden is not. He has insisted that the feds at least demonstrate the waste treatment unit functions before signing any waiver. Short of that, he spent the past month trying to find middle ground by urging DOE to abandon a technology that does not work and agree to a new series of deadlines for cleaning up the wastes.

Wasden may be willing to lead while Otter is content to apportion blame. But for the attorney general, this means taking a gamble. If he cut a deal with the DOE that brought more spent fuel into the state, Wasden might find himself caught in a crossfire between the former governors on one side and Otter and the INL's political allies on the other.

So far, the feds have declined to negotiate. When Idaho's erstwhile anti-fed governor is cheering them on, why should they?