

**BEFORE THE BOARD OF FORESTRY  
STATE OF OREGON**

IN THE MATTER OF:

**JOHN WEST,**

*Respondent.*

**FINAL ORDER**

OAH Case No. 2017-ABC-00192

Agency Case No. 16-SW046 and 16-SW047

The Board of Forestry, at a meeting in Salem on July 25, 2017, by consensus affirms the Citations 16-SW046 and 16-SW047, issued by Douglas Thackery, Stewardship Forester, and adopts and incorporates by reference the attached proposed order issued by Administrative Law Judge Rick Barber, on June 19, 2017, as amended below. Neither party submitted exceptions to the proposed final order; hence, none were considered by the Board.

The proposed order, page 14 is amended to read<sup>1</sup> (delete text with strikethrough and add text with underline):

John West has violated the Forest Practices Act in the installation of the culvert crossing over Brimstone Gulch, and must repair or replace the crossing in a manner ~~to be approved by ODF~~ consistent with OAR 629-625-0320(2) and Forest Practices Technical Notes Number 4 & 5 by September 15, 2017.

Dated this \_\_\_\_\_ day of July, 2017

By: \_\_\_\_\_

Peter Daugherty  
State Forester and  
Secretary to the Board of Forestry

**RIGHT TO JUDICIAL REVIEW**

If you are dissatisfied with the Order, you may not appeal it until you have asked the agency to rehear the case or reconsider the Order. To obtain agency rehearing or reconsideration, you must file a petition for rehearing or reconsideration pursuant to OAR 137-003-0675 within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you

<sup>1</sup> Pursuant to ORS 527.674 and ORS 527.670(11)(a), the Board of Forestry may not enforce a rule under the Forest Practices Act that requires that the State Forester to approve written plans as a required precedent to conducting a forest practice or operation.

received it. If you do not file a petition for rehearing or reconsideration within the time limits provided, you will lose your opportunity for rehearing or reconsideration and you will lose your right to appeal to the Oregon Court of Appeals. (OAR 629-001-0050).

If, after you have filed a petition for rehearing or reconsideration, the agency issues an Order you are dissatisfied with, you have the right to appeal that Order to the Oregon Court of Appeals pursuant to ORS 183.482.

If, 60 days after you have filed a petition for rehearing or reconsideration, the agency has not issued an order, your petition will be considered denied and at that time you will have the right to appeal the original Order to the Court of Appeals pursuant to ORS 183.480 and ORS 183.482. To appeal, you must file a petition for judicial review with the Court of Appeals within 60 days from the day that your petition is deemed denied. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.