

TIME ALLOWED FOR REFORESTATION**629-610-0040**

- (6) *If reforestation cannot be accomplished within the specified time due to circumstances determined by the State Forester to be beyond the landowner's control, the State Forester shall extend the time to accomplish reforestation. Such circumstances may include, but are not limited to:*
- (a) *Nursery failure;*
 - (b) *Inadequate seedling availability following salvage harvesting;*
 - (c) *Extreme drought;*
 - (d) *Insect infestation;*
 - (e) *State smoke management restrictions on the burning of slash;*
 - (f) *Wildfire or disease damage; or*
 - (g) *Severe wildlife damage that could not be reasonably anticipated or controlled by the landowner.*
- (7) *Extensions shall be made only upon a determination by the State Forester, based on timely written evidence provided by the landowner, that documents the landowner made reasonable attempts to comply with the reforestation requirements of the rules.*

APPLICATION:

These sections are not used for enforcement.

ADMINISTRATION:

Extension requests should be submitted by landowners as soon as they realize they may not meet a compliance deadline. Once a compliance deadline has passed, a landowner is in violation. A violation cannot be reversed by requesting an extension after the fact.

Landowners accept a risk of poor seed crops when using natural reforestation methods, and extensions should not be allowed for this reason.

Extensions may be appropriate on very small units (generally less than 10 acres) where the number of needed seedlings is so small that a non-industrial landowner is unable to contract with a nursery for the trees prior to the operation and, cannot obtain them on the speculative market.

Stewardship Foresters may be flexible in granting extensions for such cases, weighing the landowner's efforts and evidence of seedling scarcity against the landowner's report.

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- (8) *Where an extension is granted for reforestation failure on land suitable for reforestation or in cases where a violation of the reforestation rules is cited, the landowner shall be required to take remedial action to achieve the required stocking standards within a time prescribed by the State Forester using recognized stand establishment methods.*

APPLICATION:

This section is not used for enforcement.

ADMINISTRATION:

This section requires the landowner to continue to make reforestation efforts after an initial reforestation failure.

A failed attempt at reforestation does not satisfy the reforestation requirements. Reforestation failures prior to the compliance deadline for establishing a free to grow stand may be granted an extension of the compliance time limit if the reasons for the failure are beyond the landowner's control. If a landowner notifies the Stewardship Forester that reforestation efforts have not been successful, the Stewardship Forester will investigate the causes and direct the landowner to take reasonable actions to correct the problem. This may involve release from competing vegetation, inter-planting or possibly complete site preparation and replanting of the operation area.

When citing under an enforceable section of this rule, issue a repair order instructing the landowner on how to bring the operation area into compliance. The free to grow compliance date should be extended to December 31 of the fourth year after artificial reforestation unless natural regeneration is approved in a plan for an alternate practice.

On some very harsh Site VI lands, harvesting may have changed the microclimate to the extent that repeated reforestation efforts may result or have already resulted in one or more failures. A plan for alternate practice that provides for natural regeneration over an extended time period may be considered in place of continued failure of plantings. In some rare cases, the Stewardship Forester may eventually waive the reforestation requirements. If such waivers are granted, the Stewardship Forester should document the site conditions, harvest design, and reforestation practices that led to the failure in order to prevent similar results in the future. Consultation with Salem staff is recommended in such cases.

**ACCEPTABLE SPECIES FOR REFORESTATION AND
RESIDUAL STAND STOCKING**

629-610-0050

- (1) *The State Forester shall determine if tree species are acceptable for artificial reforestation, natural reforestation, and as residual seedling, sapling and pole, or larger tree stocking based on all of the following criteria:*
- (a) *The species must be ecologically suited to the planting site;*
 - (b) *The species must be capable of producing logs, fiber, or other wood products suitable in size and quality for the production of lumber, sheeting, pulp or other commercial forest products; and*
 - (c) *The species must be marketable in the foreseeable future.*

APPLICATION:

This section is not used for enforcement.

ADMINISTRATION:

In nearly all cases, native species will be considered "ecologically suited" and are the preferred reforestation species. An exception may exist where a species exhibits poor productivity, health, and vigor, or is not capable of producing a product, or is not now or potentially marketable. For example, white fir may have become established during the last century in ponderosa pine/Douglas-fir forests on low productivity sites; however, poor stand health and vigor may indicate white fir is not best suited to such sites. If there is substantial evidence that a species cannot meet all the criteria in this section, the Department may determine that landowners may not count the species toward the stocking standards as residual stocking, natural regeneration, or artificial reforestation. Such proposals should be referred to Salem staff for evaluation.

A conifer or hardwood species that has any commercial value as a forest product will meet the requirement of subsection (b). This includes products such as commercial firewood and medicinal substances such as those extracted from Pacific yew bark. The fact that such products may not be the most profitable from a given site is not relevant.

The rules generally do not differentiate between hardwoods and conifers as acceptable species. There are two exceptions. First, the rules and guidance require close scrutiny of natural reforestation plans calling for hardwood regeneration on sites capable of growing conifers. Second, the rules limit the amount of required stocking that can be supplied by residual hardwood trees without a plan for an alternate practice (see guidance for section (2) of this rule).

Alternative Vegetation Retention Prescription 2 of the water protection rules, OAR 629-640-0300(4), allows the department to be more restrictive on acceptable species in this special situation. This alternative prescription should only be used if site conditions are such that the plan is likely to lead to the establishment of **conifer** reproduction.

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Tree species that are not currently marketable or marketable in the foreseeable future cannot be used for tree stocking, even though they may have some undiscovered potential to become marketable.

Juniper markets develop from time to time. However, current information indicates this species is not continuously marketable in the foreseeable future. Coincidentally, another rule applies and juniper species management in units of less than 120 acres is specifically exempt from the definition of an "operation" by OAR 629-600-0100. The guidance for that definition is a valuable reference on this topic. Consequently, juniper should not normally be considered an acceptable species for reforestation. Furthermore, juniper-only stands are more likely on sites of such low productivity, frequently lower than site class VI, that reforestation is not required anyway.

REFERENCES:

- OAR 629-600-0600 Operation definition
- OAR 629-605-0173 Plans for an alternate practice
- OAR 629-610-0030 Natural reforestation methods
- OAR 629-640-0300 Alternative vegetation retention prescriptions
- Oregon Board of Forestry and Oregon Department of Forestry. 2003. *"Forestry Program for Oregon"*.
- Emmingham, W., P. Oester, S. Fitzgerald, G. Filip, and Edge, W. 2005. Ecology and Management of Eastern Oregon Forests: A Comprehensive Manual for Forest Managers. Oregon State University, Corvallis, Oregon.

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**ACCEPTABLE SPECIES FOR REFORESTATION AND
RESIDUAL STAND STOCKING**

629-610-0050

- (2) *Up to 20 percent of the site-based stocking levels required by 629-610-0020 may be met by using free to grow hardwood trees remaining after harvest if the trees are of species meeting the requirements of section (1) of this rule. An approved plan for an alternate practice is required before more than 20 percent of the required stocking may be met with residual, post-operation hardwood trees. Approval for the use of higher levels of hardwood residual stocking shall be based on a determination by the State Forester that there is a high probability that the purpose of the reforestation rules will be achieved.*

APPLICATION:

This section is not used for enforcement. If the landowner does not obtain approval of a plan for an alternate practice residual hardwoods may be counted for no more than 20 percent of the required stocking. Enforcement action would use OAR 629-610-0020, Reforestation Stocking Standards.

ADMINISTRATION:

The intent of this rule section is to require the landowners to obtain approval of a plan for an alternate practice before meeting more than 20 percent of the required stocking with residual hardwood trees. Oak stands, managed under an approved plan for alternate practice that allows for reduced stocking to encourage savannah habitat, are examples of such situations. Approval of such hardwood management plans is discussed in the guidance for OAR 629-610-0020(1).

This is the only reforestation rule section that differentiates between conifer and hardwood species (the guidance for OAR 629-610-0030 (3) through (5) also requires close scrutiny of plans for an alternate practice utilizing natural reforestation involving hardwoods).

To be counted toward the required stocking, all conifer and hardwood residual trees after an operation must be free to grow.

Approvals will be granted if the hardwood trees under consideration are an acceptable species, free to grow, and the landowner demonstrates the stands will be managed to use the tree growth potential of the site.

REFERENCES:

- OAR 629-605-0173 Plans for an alternate practice
- OAR 629-610-0020 (1) Reforestation stocking standards
- OAR 629-610-0030 Natural reforestation methods

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ACCEPTABLE SPECIES FOR REFORESTATION AND RESIDUAL STAND STOCKING

629-610-0050

- (3) *Landowners are encouraged to reforest with a mixture of acceptable tree species where appropriate to reduce the risk of insect and disease losses and to promote stand diversity. Seedlings or seeds used for artificial reforestation should be from seed sources that are genetically adapted to the growing site.*

APPLICATION:

This section is not used for enforcement.

ADMINISTRATION:

Maintaining a mixed species stand, particularly in eastern Oregon, may reduce the risk and severity of future insect and disease problems. An ODF pamphlet, "Planning for a Healthy Forest: Reforestation in Eastern Oregon," has been developed to educate eastside landowners on this topic.

If a landowner plans to use an inappropriate species or off-site seed source, the landowner should be advised that to do so could result in poor stand survival and future growth. A delay for more appropriate seedlings or seeds may be preferable to planting off-site stock that may not survive to free to grow status, or rotation age. A compliance extension is not appropriate if the landowner could have anticipated the situation and obtained seedlings in time to meet the planting compliance date. Refer to the guidance for OAR 629-610-0040 (6) and (7) for information on when extensions may be granted.

Questions on acceptable species may be referred to a department insect and disease specialist or silviculture specialist, a county extension forester, qualified consulting forester, or forest tree nursery.

REFERENCES:

- OAR 629-610-0040 (6) and (7) Time allowed for reforestation
- Oregon Department of Forestry. "Planning for a Healthy Forest: Reforestation in Eastern Oregon".
- Robin Rose and Paul Morgan. December 2000. "Guide to Reforestation in Western Oregon". Oregon State University College of Forestry;
- Emmingham, W., P. Oester, S. Fitzgerald, G. Filip, and Edge, W. 2005. Ecology and Management of Eastern Oregon Forests: A Comprehensive Manual for Forest Managers. Oregon State University, Corvallis, Oregon.

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USE OF NON-NATIVE TREE SPECIES

629-610-0060

- (1) *When an operation will result in a reforestation requirement, and the landowner intends to plant or seed a tree species not native to the operation area, the landowner shall submit for approval a plan for an alternate practice to the State Forester which describes the tree species and how it will be used to meet the reforestation requirements. Information in the plan shall include:*
- (a) *The tree species that will be used;*
 - (b) *Evidence that the species is ecologically suited to the planting site;*
 - (c) *Evidence that the species is capable of producing commercial forest products that will be marketable in the foreseeable future; and*
 - (d) *Available research or field test findings which demonstrate the tree species has been successfully used in reforesting sites similar to the operation area.*
- (2) *A plan for an alternate practice for the use of non-native tree species must be submitted for approval no later than twelve months after tree stocking is reduced and prior to planting. Plans for the use of non-native tree species shall be approved by the State Forester if a determination is made that the information provided indicates there is a high probability that the purpose of the reforestation rules will be achieved.*
- (3) *For the purpose of this rule, any tree species that the State Forester determines has naturally existed and reproduced in the operation area or on similar sites will be considered a native species.*

APPLICATION:

These sections are not used for enforcement. Failure to obtain approval of a plan for an alternate practice will result in the landowner being held to the compliance requirements for artificial reforestation using only native trees species.

ADMINISTRATION:

If a tree species is not present on the operation area but occurs naturally on similar sites, it can be considered native. A species, such as western white pine, where individual trees are scattered widely over a broad geographic range, may be considered native to many sites where that species does not currently exist.

If stocking requirements are met with native species, the landowners may plant any non-native species in addition to the native species without an approved plan for an alternate practice.

Plans for an alternate practice should only be approved if there is sufficient evidence to indicate a high likelihood that the stand will remain free to grow and reach commercial maturity. The criteria for acceptable species apply. Previous research or test findings should be cited in the plan. If such findings are not available, plans may still be approved based on the merits of other evidence provided by the landowner.

If a non-native species is planted without an approved plan for an alternate practice, compliance determinations will be based only on the number and condition of the native species that are present.

Landowners are permitted to conduct small scale (generally less than five acres) field trials of non-native species. A plan for an alternate practice is required to explain the purpose and scope of such trials.

REFERENCES:

- OAR 629-605-0173 Plans for an alternate practice
- Oregon Department of Forestry. October 31, 1994. Example of an adequate written plan for use of a non-native tree species.

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SUSPENSION OF THE REFORESTATION RULE REQUIREMENTS FOR CERTAIN TYPES OF HARVEST AREAS

629-610-0070

- (1) *A landowner must submit to the State Forester a plan for an alternate practice to suspend reforestation rules for the salvage or conversion of low value forest stands, to establish forest stands that are adequately stocked and free to grow.*
- (2) (a) *The State Forester may approve the a plan for an alternate practice when the harvest area is a conversion of underproducing forestland or a salvage of forest stands where the merchantable trees are dead or dying due to wildfire, insects, diseases or other factors beyond the landowner's control and the State Forester determines:*
 - (A) *The landowner is approved for funding from a forest incentive program, for which the State Forester is the technical advisor; and*
 - (B) *The gross harvest revenues will not exceed the total costs of harvest, taxation, and reforestation.*
- (b) *For the purposes of this rule, "conversion of underproducing forestland" means an operation conducted on forestland subject to the reforestation requirements that does not currently support the minimum number of free to grow trees required with the objective of removing undesirable competing vegetation, including the incidental harvest of forest products, and establishing an adequately stocked, free to grow forest stand.*
- (3) *To determine whether subsection (2)(b) of this rule is met on a harvest operation that has not started, the State Forester shall make a field observation of the harvest area to determine:*
 - (a) *The estimated merchantable volume;*
 - (b) *The value of the merchantable volume by applying current local market values; and*
 - (c) *The estimated harvest, taxation, and reforestation costs.*
- (4) *When the State Forester is not able to determine the projected revenues and projected costs from the field observation described in subsection (3) of this rule, the State Forester may require the landowner to submit one or more of the following:*
 - (a) *A third party estimate, by species and grade, of the volumes and values of logs to be delivered to the mill;*
 - (b) *The projected costs of harvesting the forest products, including, but not limited to, harvest planning and administration, road construction and maintenance, felling and bucking, yarding, and loading and hauling;*
 - (c) *The projected severance, harvest, and income taxes;*
 - (d) *The projected costs of reforestation, including planning and administration, site preparation, trees, tree planting, tree protection, and moisture conservation; or*
 - (e) *The projected costs of any other measures necessary to establish a forest stand in an adequately stocked and free to grow condition, as specified in the reforestation rules.*

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- (5) *To determine whether subsection (2)(b) of this rule is met on a harvest operation that has started, but is not yet complete, the landowner shall submit to the State Forester one or more of the following:*
- (a) *The contracts executed to sell and harvest forest products, including but not limited to, all logging costs and receipts;*
 - (b) *All the forest products scaling summaries showing gross and net volumes, by species and corresponding mill receipts showing payment; or*
 - (c) *Any tax forms, records, or reports submitted by the landowner that detail the gross and net volumes of forest products harvested, by species, plus the logging and management cost used to determine harvest and severance taxes.*
- (6) *Operations that are complete are not eligible for a suspension of the reforestation rules.*
- (7) *The State Forester shall revoke the suspension of the reforestation rules at any time within six years of completing the operation if the landowner fails to establish a forest stand:*
- (a) *According to the specifications and time lines required under the applicable forest incentive program; or*
 - (b) *In an adequately stocked and free to grow condition, as specified in the reforestation rules.*

APPLICATION:

This rule is not used for enforcement. Enforcement action should be taken under OAR 629-610-0020 or -0040 if adequate and timely reforestation is not accomplished.

ADMINISTRATION:

The intent of this rule is to suspend the reforestation requirements under very specific conditions to allow landowners to fully qualify for federal cost-share funds and state incentive programs. The section allows the Stewardship Forester to reinstate the rule requirements for reforestation if the landowner fails to follow the incentive program reforestation plan.

Stands comprised primarily of hardwoods do not automatically qualify as "underproducing forestlands." If a harvest is planned in a stand that contains at least the required stocking of free to grow hardwoods and/or conifers required by the reforestation rules, then that harvest cannot be considered a "conversion of underproducing forestlands."

Further consultation for administering this section is available from the Forest Resource Trust Program representative in Salem. Stewardship Foresters will determine which operation areas meet the criteria for incentive programs. Reforestation will be required unless a written notice is received from the responsible Stewardship Forester stating that the operation has qualified for reforestation rule suspension. Particular attention should be paid to making sure landowners do

not mix the harvest of adequately-stocked free to grow areas with harvest from areas of underproductive stocking .

If the landowner has failed to follow the incentive program reforestation plan within six years after the reforestation rule compliance period would have started, the landowner may be required to reforest according to the rules. Salem staff should be informed if a landowner attempts to circumvent reforestation requirements by manipulating this suspension process.

REFERENCES:

- ORS 527.740 (4) Harvest type 3 limitations; exceptions
- OAR 629-605-0173 Plans for an alternate practice
- OAR 629-610-0020 Reforestation stocking standards
- OAR 629-610-0040 Time allowed for reforestation
- Oregon Department of Forestry. September 1994. *Forest Resource Trust: Sharing in Tomorrow's Forests.*

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REVEGETATION WHEN REFORESTATION IS NOT REQUIRED**629-610-0080**

When reforestation is not required or planned, the landowner shall ensure sufficient revegetation of the site to provide continuing soil productivity and stabilization within 12 months of the completion of the operation. Revegetation required by this rule may be planted or naturally established, and shall consist of trees, shrubs, grasses, or forbs suitable for soil stabilization and productivity protection. Landowners are encouraged to revegetate the operation area with native plants.

APPLICATION:

This section is used for enforcement.

COMPLIANCE:

The landowner complies with this section when sufficient vegetative cover to provide continuing soil productivity and stabilization has been established and maintained within 12 months following the completion of an operation (as defined in rule) where reforestation is not required or planned.

Unsatisfactory Condition: An unsatisfactory condition exists when the landowner fails to establish or maintain the required vegetation within 12 months following the completion of an operation where reforestation is not required or planned and this failure is likely to result or does result in erosion and/or sediment entering the waters of the state.

Damage: There is damage when the unsatisfactory condition results in visible entry of sediment into waters of the state. This occurs when a visible increase in turbidity from the water conditions 100 feet upstream of the entry site (a 10% or more increase over background turbidity), continues for two or more hours in a twenty-four hour period. There is also damage when any change in stream channel morphology occurs which could have been prevented by appropriate and complete re-vegetation.

Written Statement of Unsatisfactory Condition: A written statement of unsatisfactory condition should be issued when corrective action is feasible and practical prior to sediment entering the waters of the state.

ADMINISTRATION:

This requirement should be made known to the operator and landowner as soon as the nature of the post-operation land use is known. Landowners should be encouraged, but are not required, to use native plant species.

EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER

629-610-0090

- (1) *A landowner, through a plan for an alternate practice may request all, or portions of, an operation area be exempted from the reforestation requirements for the purpose of developing forestland for a use that is not compatible with the maintenance of forest tree cover. Approval of a plan for an alternate practice shall be obtained for such an exemption from the State Forester and shall only be granted for the smallest land area necessary to carry out the intended change in land use. Reforestation shall be required on the portions of operation areas not directly involved in the land use change.*

APPLICATION:

This rule is not used for enforcement. Compliance is enforced using: a) ORS 527.670(6) as a failure to notify for all planned activities; b) a resource protection rule; c) OAR 629-610-0020(1), a failure to reforest; or d) OAR 629-605-173(5)(p) the requirement to obtain approval of a plan for an alternate practice.

ADMINISTRATION:

A land use change to non-forest use automatically involves the potential for the landowner to need approval of a plan for alternate practice to exempt the converted land from the reforestation requirement. This rule section requires a plan for an alternate practice approving an exemption from reforestation if the landowner is to avoid being subject to enforcement. The conversion operation may not begin until the landowner obtains the Stewardship Forester's approval of the plan for an alternate practice.

Because it can withhold approval of plans for alternate practices beginning such conversion operations, ODF has adopted the role of a "gatekeeper" for other natural resource regulatory agencies in order to ensure the continuous protection of natural resources. When a conversion operation proceeds beyond forest management activities, ODF's jurisdiction ends, and as ORS 527.730 reads "Nothing in the Oregon Forest Practices Act shall prevent the conversion of forestland to any other use." Except for the conditions built into the process of obtaining an exemption from reforestation, ODF cannot prevent landowners from converting forestland to other uses, but it can participate in an interagency review procedure that maintains some protection of the natural resources that are guarded by forest practices regulations.

To coordinate with other agencies, in November 2006, ODF completed an interagency memorandum of agreement with the Departments of Agriculture, State Lands, Fish and Wildlife, Parks and Recreation, Land Conservation and Development, and Environment Quality seeking a smooth transition of jurisdiction between agencies to protect water quality and other resources throughout the conversion process. Stewardship Foresters must be familiar with this memorandum of agreement and the obligations of ODF and each of the participating agencies.

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The landowner should be encouraged to retain as much land in forest use as possible. The exemption should apply for only that area being converted to a land use not compatible with forest tree cover. A typical home site might receive an exemption of no more than one acre unless the landowner wishes to convert surrounding land to a bona fide non-forest use.

REFERENCES:

- Oregon Departments of Forestry, Agriculture, State Lands, Fish and Wildlife, Parks and Recreation, Land Conservation and Development, and Environment Quality. November 2006. Memorandum of Agreement, Conversions of Forestland.

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EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER

629-610-0090

- (2) *In seeking approval of a plan for an alternate practice, the landowner shall provide written documentation to the State Forester which establishes:*
- (a) *The specific portion of the operation area necessary for the proposed change in land use;*
 - (b) *The intended change in land use and the incompatibility of the land use with forest tree cover;*
 - (c) *The intended change in land use is authorized under local land use and zoning ordinances, and all necessary permits and approvals have been obtained, or will be obtained within 12 months following the reduction in tree stocking; and*
 - (d) *The county assessor and local planning department have been notified in writing of the proposed change in land use.*

APPLICATION:

This section is not used for enforcement. This section lists the information required in a plan for an alternate practice for an exemption from the reforestation requirements.

ADMINISTRATION:

When a plan for an alternate practice for an exemption from the reforestation requirements is submitted, it must contain sufficient information to allow the Stewardship Forester to evaluate the operation to determine compliance with the FPA. This section lists the necessary information that must be included in the plan required under this rule. Other information that should be required in this plan are the timelines in subsections (3) and (4) of this rule.

To qualify for an exemption from the reforestation requirements, the landowner must show the location of the planned land use change and evidence that the new land use is not compatible with forest tree cover if this is not obvious.

Only the area necessary to meet the landowners objectives should be exempted from the reforestation requirements. Stewardship Foresters should use discretion to avoid exempting land that will not be actually converted to non-forest use such as draws, steep slopes or areas where the landowner simply wants to circumvent the reforestation rules.

The landowner will need to notify the appropriate county planning department and the county assessor and provide a record of their approval to the Stewardship Forester.

Form 629-6-3-3-100.B may be provided to landowners requesting an exemption. Fully completing the form provides the required information to obtain the acknowledgements and signatures of the appropriate county planning and assessor's office representatives. This ~~ATTACHMENT~~ **ATTACHMENT** has been developed for the landowner's convenience. The landowner can choose to provide Attachment 4 other documentation that satisfies the rule requirements. If county officials do not sign the form, Page 15 of 134

the landowner must provide alternative written documentation before an exemption will be granted.

ORS 527.760 directed the 1991 Board of Forestry to adopt or amend its rules "as necessary to assure that only bona fide, established and continuously maintained changes from forest uses are provided an exemption from reforestation requirements." To accomplish this purpose, the 1995 reforestation rules, OAR 629-610-0090 Exemption from Reforestation for Land Uses Not Compatible with Forest Tree Cover, require pre-operation approval for an alternate practice for exemption from the reforestation requirements. All land use conversions require an approved plan for an alternate practice for the exemption. Often land use conversions involve activities that are not in compliance with the resource protections required by the Forest Practice rules. ODF is committed to coordinating with other agencies to ensure that unacceptable resource disturbance does not occur. To this end, ODF and DEQ have led the development of the interagency memorandum of agreement for ensuring continuous protection for recognized resource values.

The alternate practice approval process for both exemptions from reforestation and for alternate practices serves to ensure coordination and continuity of resource protection among agencies. Normally, ODF should require plans for alternate practice for these exemptions that include written documentation of approvals from the appropriate other agency(ies). This may include confirmation of the land use conversion's compatibility with local land use ordinances or the permits and approvals of other state agencies regarding their resource management regulations. A signed form or letter of approval from each appropriate agency is adequate. It is the landowner's responsibility to obtain such approvals as part of the plan for an alternate practice.

Other agencies with jurisdiction over the effects of the non-forest land use should be informed of any activity with potential effects that may be of concern to them. Examples are the Department of Environmental Quality (water quality standards) and the Parks and Recreation Department (state scenic waterways). For documentation, ODF should inform the appropriate agencies, in writing, of the land use change and its potential effects and place a copy in the operation file. Other agencies should be informed as soon as ODF has information indicating the shift from forest use. This may result in joint inspections with the other agencies. (Remember to clear joint inspections with the forest landowner before taking other agencies onto their lands.)

Approval from other agencies with resource protection jurisdiction over proposed land use changes will be required. These agencies may include:

- **Local Jurisdictions** – City and County governments must protect water quality during any forestland conversions within their city limits or urban growth boundaries if they have assumed the responsibility of regulating forest operations. All land use changes must obtain written approvals from the local jurisdiction (city and/or county planning department) and the County Assessor, stating that the proposed land use change is authorized under local land use and zoning ordinance and all necessary state, federal, and local land use and construction permits and approvals have been obtained by the landowner or will be obtained within the twelve months;
- **Department of Environmental Quality (DEQ)** – The DEQ protects Oregon's surface water and ground water. Any modification, waiver or exemption of the FPA's Water Protection Rules must include written approval from the DEQ. Both the proposed future use and the interim condition of the land during conversion must meet applicable water

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quality standards. DEQ will also communicate any water quality sensitive information (i.e. Source Water Assessments) and applicable water quality permit requirements that are needed for the future use.

Under the Memorandum of Agreement, ODF must provide DEQ copies of all notifications proposing conversions of forestland unless there is less than one acre that is being cleared for construction. (DEQ requires a National Pollutant Discharge Elimination System, NPDES, 1200-C storm water permit for construction activities if one or more acres of land will be disturbed for construction.)

- **Department of Agriculture (ODA)** – The ODA addresses water pollution associated with agricultural land and activities by developing and implementing water quality management plans and administrative rules. When a conversion from forest to agricultural use is proposed, ODA is to be contacted. ODA oversees compliance with the Agricultural Water Quality Management Plan;
- **Department of Fish and Wildlife (ODFW)** – The ODFW protects and enhances fish and wildlife resources, manages fishery and wildlife resources, and prevents the serious depletion of any indigenous species. When a sensitive resource site (OAR 629-665-0000 (a)-(d)) is proposed for non-forest use, written recommendations are required from ODFW;
- **Division of State Lands (DSL)** – The DSL administers Oregon's Removal-Fill Law that requires landowners to obtain a permit when removing, filling or altering more than 50 cubic yards of inorganic material within the bed and banks of waters of the state. When a wetland is proposed to be converted by filling, excavating or altering or when a forest activity is proposed in a navigable waterway, written approval from DSL may be required;
- **Oregon Parks and Recreation Department (OPRD)** – The OPRD protects and enhances scenic, aesthetic, natural recreation, scientific, and fish and wildlife values along state scenic waterways. When land within one quarter mile of a state scenic waterway is proposed for conversion, written approval from OPRD is required;
- **Department of Land Conservation and Development (DLCD)** – The DLCD ensures that any county comprehensive land use plans or zone changes comply with state planning goals. Approval of a conversion by the local county or city planning department usually addresses land use issues adequately.

When filing a notification, a landowner who intends to convert some or all of their forestland to a non-forest use, is supposed to indicate that by entering the Land Use Change activity code on the form. Many landowners focus on the forest harvesting activities when they notify and do not notice or understand that they are to indicate their land use conversion plans on the notification and that they must submit a plan for an alternate practice. Since Stewardship Foresters cannot detect the landowner's conversion intent unless it is announced on the notification or seen on the ground, and a lot of conversions are small operations that don't get a pre-operation inspection, a large number of conversions are done without a plan for an alternate practice exempting reforestation. To manage the enforcement workload, and recognizing that conversions are permitted by the Forest Practices Act, ODF will take enforcement action for failure to notify against only those landowners who damage forest resources in the process of converting forestland to non-forest uses. If a landowner causes a water quality violation in a stream during a harvest and land conversion, they will be cited for failure to notify because they did not fully disclose the activities associated with their operation as well as for the resource protection rule violated.

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Example 1 – A landowner submits a notification for a clear-cut of less than one acre without mentioning planned construction, conducts the operation, and constructs a shop next to his house. The operation area is not near any stream or other protected resource and no damage occurred. Despite there being no plan for alternate practice and approved exemption from required reforestation, no enforcement action need be pursued in this situation.

Example 2 – A landowner submits a notification for a 5 acre clear-cut and does not indicate a land use conversion on the notification. The operation is conducted and the landowner carries out his undisclosed plan to convert the area to a horse pasture. There is no plan for an alternate practice. The cut area is extended into a large Type F stream's RMA which is cleared down to the water's edge. The landowner would be cited for violation of the water protection rules and for failure to include the land use conversion on the notification (failure to notify). ODF would report the incident to DEQ and DOA whose jurisdiction over water quality protection continues while ODF's forest practices jurisdiction ends with completion of the forest operation.

REFERENCES:

ORS 527.745. Reforestation of certain harvest types.

ORS 527.760. Reforestation exemptions for land use changes.

- Oregon Departments of Forestry, Agriculture, State Lands, Fish and Wildlife, Parks and Recreation, Land Conservation and Development, and Environment Quality. November 2006. Memorandum of Agreement, Conversions of Forestland.
- Oregon Department of Forestry. November 2005. ODF Form 629-6-3-3-100.B. Landowner Plan for an Alternate Practice to be Exempted from the Forest Practice Reforestation Requirements for the Purpose of Converting Forestland to a Non-Forest Use.
- Oregon Department of Forestry. February 25, 2009. Schematic entitles "Conversion of Forestland" and an accompanying narrative available from Salem.

EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER**629-610-0090**

- (3) *Reasonable progress towards the change in land use, as determined by the State Forester, shall be made within 12 months of the completion of the operation. Evidence of reasonable progress towards a change to an agricultural use may include activities such as stump removal, cultivation, fencing, and planting or seeding of crops or pasture. Evidence of reasonable progress towards a change to use involving building a structure may include activities such as stump removal, excavation, and construction.*

APPLICATION:

This rule is used for enforcement.

COMPLIANCE:

A landowner is in compliance with this rule when reasonable progress towards the change in land use is made within 12 months of the completion of the operation.

Unsatisfactory Condition: An unsatisfactory condition exists when there is remaining time and opportunity, but reasonable progress has not been made towards the change in land use after 12 months following the completion of the operation.

Damage: Damage occurs when there is loss of productivity in the land intended to be converted because the 12 month compliance period for reasonable progress is not being used and no opportunity for progress remains.

Written Statement of Unsatisfactory Condition: A written statement of unsatisfactory condition should be issued if, in the judgment of the Stewardship Forester, the conversion could be achieved within the timelines allowed in rule, but progress is lacking. The landowner may be directed to reforest or submit a revised plan for an alternate practice that proposes how the land use change will be completed within the 24 months allowed in subsection (4) of this rule

Under specific conditions listed in OAR 629-670-0125 (Using the Written Statement of Unsatisfactory Condition for Noncompliance with Procedural Rules), a written statement of unsatisfactory condition may be issued instead of a citation.

ADMINISTRATION:

If the timeline in this rule were required to be addressed in the plan for an alternate practice, enforcement could be taken under OAR 629-605-0173(4). Requiring a timeline of anticipated progress requires the landowner to go through a thought process of how the land use change will be accomplished.

The FACTS-generated letter or a similar courtesy letter should be sent to landowners after operations are completed to remind them of their obligations under this section.

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REFERENCES:

ORS 527.745. Reforestation of certain harvest types.

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EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER**629-610-0090**

- (4) *The change in land use shall be completed and continuously maintained within 24 months of the completion of the operation.*

APPLICATION:

This rule is used for enforcement.

COMPLIANCE:

A landowner is in compliance with this rule when the change in land use is complete and continuously maintained within 24 months of the completion of the operation.

Unsatisfactory Condition: An unsatisfactory condition exists when the change in land use is not progressing toward completion, or is not being maintained within the 24 months after the completion of the operation.

Damage: Damage occurs when the unsatisfactory condition exists and there is insufficient time to complete the land use conversion within the 24 months after completion of the operation, resulting in loss of productivity in the land intended to be converted.

Written Statement of Unsatisfactory Condition: A written statement of unsatisfactory condition should be issued when the time allowed for completing the land use change is approaching. The landowner should be reminded of the obligation to complete the land use change within 24 months of completion of operations.

ADMINISTRATION:

If the timeline in this rule were required to be addressed in the plan for an alternate practice, enforcement could be taken under OAR 629-605-0173(4). Requiring a timeline of anticipated progress requires the landowner to go through a thought process of how the land use change will be accomplished.

If the land use change cannot be completed and/or maintained within the time prescribed in this rule, enforcement action should be taken under OAR 629-610-0020 or -0040, or OAR 629-605-0173(4).

REFERENCES:

ORS 527.745. Reforestation of certain harvest types.

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EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER

629-610-0090

- (5) *If the change in land use cannot be accomplished within the specified time due to circumstances beyond the landowner's control, the State Forester shall extend the time to accomplish the change in land use. Such circumstances may include, but are not limited to, governmental delays in reviewing and processing permits and approvals, but do not include delays where a landowner is appealing the denial of a permit or approval if the State Forester does not have reason to believe the landowner will prevail on appeal. Extensions shall be made only upon a determination by the State Forester, based on written evidence provided by the landowner, that the landowner made reasonable attempts to comply.*

APPLICATION:

This rule is not used for enforcement. It allows the Stewardship Forester to extend the time to accomplish the change in land use.

ADMINISTRATION:

Complex land use changes, such as subdivision developments, may take longer than two years to complete and should be documented in the approved plan for an alternate practice.

Landowners may request extension of compliance deadlines if the change in land use cannot be accomplished due to circumstances beyond the landowner's control, such as local government delays in reviewing and processing permits and approvals. Delay resulting from a landowner appeal of the denial of a permit or approval does not justify an extension if the Stewardship Forester does not have reason to believe the landowner will prevail on appeal.

Discretion should be used when granting extensions. If it appears that the land use change cannot or will not be completed, the landowner should be required to reforest.

Pending Measure 49 claims or any other plans to change land use to nonforest are not sufficient reason to extend reforestation timelines. Unless a landowner can bring the Stewardship Forester written confirmation from a county planning department that they are approved to convert the land use and will obtain all necessary permits within a year, the Stewardship Forester will not approve the plan for alternate practice (waive reforestation), or extend deadlines.

There is some room for flexibility in this policy. Local judgment is appropriate within the following perspective.

1. The reforestation requirement should be brought to the landowner's attention as soon as notification of intent to harvest is filed. Districts are encouraged to send to landowners, along with their NOAP copy, a letter advising them of the associated reforestation obligation, its substantial costs, and offering to provide technical assistance.

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2. Current guidance states our policy that all previously-forested area, not necessary to the land use change, should be held for reforestation. If successful in getting their claims and permits, landowners will only lose their investment in reforestation on the area actually occupied by the nonforest use. The remaining reforested area will often enhance property values.
3. It is Oregon Department of Forestry position that landowners contemplating conversion should have considered the reforestation requirements and timeline and scheduled harvesting to be completed just as the conversion claims or permits are approved.
4. There are numerous hurdles between submitting a Measure 49 claim to be able to develop forestland for nonforest uses and completing all the financial and permitting requirements to complete the conversion. Some of these are the following With waivers from both local and state government, the landowner must obtain all appropriate development permits, access permits, and building permits from the county. The landowner must also determine and finance all the improvements The financing and general contracting involved will be complex. In summary then, ODF cannot extend reforestation deadlines on the tenuous chance that the landowner will successfully navigate all these steps while years of land productivity are lost and the competing vegetation gets a foothold that will make reforestation increasingly difficult and expensive. Number 3 above applies.

Alternatively, landowners may convert their operation area to a bona fide land use that is consistent with local zoning and that is not compatible with forest cover. Open space in which weed and brush vegetation is mowed and erosion-control vegetative cover is maintained is one example of a bona fide nonforest use.

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EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER**629-610-0090**

- (6) *The State Forester shall determine if the change in land use has been completed by:*
- (a) *The presence or absence of improvements necessary for use of the land for the intended purpose; and*
 - (b) *Evidence of established and continuously maintained use of the land for the intended purpose.*

APPLICATION:

This section is not used for enforcement.

ADMINISTRATION:

This rule states the process by which the Stewardship Forester determines a completed land use change.

Construction projects need not be checked, once it is clear development has begun. Changes to grazing or other agricultural use should be monitored more closely, since a failure to complete and maintain such uses can result in the area reverting to a brush field.

The Stewardship Forester should schedule inspections to determine if all land use changes are maintained six years after completion of the operation. If the Stewardship Forester becomes aware that a change in land use has not been maintained, enforcement action should be taken under subsection (4) of this rule, or under OAR 629-605-0173(4). A repair order, with a time line for complying, should be issued along with the citation.

REFERENCES:

ORS 527.745. Reforestation of certain harvest types.

EXEMPTION FROM REFORESTATION FOR LAND USES NOT COMPATIBLE WITH FOREST TREE COVER

629-610-0090

- (7) *To remain exempt from the reforestation requirements the landowner shall continuously maintain the land in the new use until at least six calendar years following the completion of the operation.*

APPLICATION:

This rule is used for enforcement.

COMPLIANCE:

A landowner is in compliance with this rule when the converted land is continuously maintained in the new use for at least six calendar years following the completion of the operation.

Unsatisfactory Condition: An unsatisfactory condition exists when converted land is not continuously maintained in the new use for at least six calendar years following the completion of the operation.

Damage: Damage occurs when the unsatisfactory condition exists resulting in loss of productivity in the land planned for conversion.

Written Statement of Unsatisfactory Condition: A written statement of unsatisfactory condition should be issued when corrective action can be taken within 12 months. Corrective actions include compliance with this subsection or reforestation in accordance with OAR 629-610-0020 and 0040.

ADMINISTRATION:

If a landowner cannot maintain the land in the new use, enforcement should be taken under OAR 629-610-0020, -0040 and OAR 629-605-0173(4).

REFERENCES:

- ORS 527.745. Reforestation of certain harvest types.

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September 19, 2017

Brad Reeser and Sarah Stark-Reeser


Certified and First Class Mail

Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

Mr. Reeser and Ms. Stark-Reeser:

On August 30, 2016, the Oregon Department of Forestry issued a citation to you for violation of the Forest Practices Act. Staff reviewed the citation and facts in this case and determined that a fine was appropriate as described in the enclosed notice of civil penalty. Please read the notice for the penalty amount and information about your rights to a hearing or collaborative dispute resolution. In addition, more detailed information on those rights is enclosed in a separate document.

This harvest unit is still required to be reforested and meet the free to grow requirement with 200 trees per acre as indicated in the repair order. If action is not taken on your part to establish trees or complete a land use change that is approved by the Oregon Department of Forestry, further action will be taken.

If you have any questions regarding this matter or the administration of civil penalties, please call this office at (503) 945-7382.

Sincerely,

Greg Wagenblast
Civil Penalty Administrator

C: Levi Hopkins, Stewardship Forester, Santiam Office

Enclosures

- (1) Notice of Civil Penalty
- (2) Formula for Determining Civil Penalties
- (3) How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation
- (4) Invoice

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**State of Oregon
Department of Forestry on behalf of the
Board of Forestry**

In the matter of violation	)	Notice of Civil Penalty;
of the Forest Practices Act,	)	Findings of Fact; Proposed
OAR 629-610-0040(3)	)	and Final Order;
by Brad Reeser and Sarah Stark-Reeser	)	Case No. 16-CN029

TO: BRAD REESER AND SARAH STARK-REESER

I. APPLICABLE LAW

Oregon Revised Statute (ORS) 527.610 requires anyone who conducts forest operations¹ or who owns forestland to conform to the Forest Practices Act and Oregon Administrative Rules (OAR). A person who fails to follow the statute and rules is subject to a civil penalty as provided by ORS 527.683 through .687 and 527.992.

The Oregon Board of Forestry considers that you have violated the Forest Practices Act and OAR 629-610-0040, Time Allowed For Reforestation, which states in relevant part:

(3) The landowner² shall complete planting or seeding within 24 months unless a plan for an alternate practice³ for natural reforestation has been approved by the State Forester⁴.

II. FINDINGS OF FACT

On or about July 19, 2016, Joe Arbow, Oregon Department of Forestry (ODF), Stewardship Forester discovered that Brad Reeser and Sarah Stark-Reeser failed to complete planting harvest units with acceptable species within 24 months after completion of an operation that reduced stocking to a level that required reforestation, according to OAR 629-610-0020⁵. This violation occurred on 3 acres of forestland⁶, located in Section 23, Township 9 South, Range 1 East of the Willamette Meridian, in Linn County. The findings of fact that support the determination to issue a civil penalty are set out below:

1. On February 22, 2013, a notification (No. 2013-582-00077) was filed with ODF for a clearcut/shelterwood harvest on land owned by Brad Reeser and Sarah Stark-Reeser, located at [REDACTED]
2. Subsequent to completion of the operation, Mr. Arbow mailed a courtesy letter (not dated) to the landowners stating that tree planting should be completed by April 30, 2016.

¹ See ORS 527.620(12) – Definition of “Operation”

² See ORS 527.620(11) – Definition of “Landowner”

³ See 2014 edition of OAR 629-600-0100(57) – Definition of “Plan for alternate practice; OAR 629-605-0173, Plans for Alternate Practice Attachment 4

⁴ See OAR 527.620(15) – Definition of “State Forester”

⁵ Division 610 of Chapter 629, Department of Forestry, are referred to as the Forest Practices Reforestation Rules, 2014 edition.

⁶ See 2014 edition of OAR 629-600-0100(26) – Definition of “Forestland”

3. On April 29th, 2016, Mr. Arbow called the landowners at the phone number on the notification, but no one answered.
4. On June 2, 2016, Mr. Arbow called the phone number listed on the notification again and realized it was a wrong number. After looking in the phone book, Mr. Arbow called another phone number listed for Brad Reeser and Sarah Stark-Reeser. Again no one answered the phone call and a message could not be left.
5. On June 16, 2016, Mr. Arbow mailed a letter to the landowner to set up a time to meet and talk with them about the reforestation obligation.
6. On June 27 2016 and again on July 1, 2016, Mr. Arbow visited the site. Since the driveway had a gate, that was closed on both dates, he could not access the property. Instead, he took photos from the highway right of way and neighboring property. He found no evidence of trees planted or any brush control.
7. On July 19, 2016, Mr. Arbow issued a citation and repair order and mailed them to Brad Reeser and Sarah Stark-Reeser. Repairs (site prep and planting) must be completed by May 1, 2017. Linn County has been notified that trees have not been replanted.
8. On August 30, 2016, Mr. Arbow reissued the citation and repair order to correct the year from 2019 to 2016 and mailed them again to Brad Reeser and Sarah Stark-Reeser. Repairs are still due to be completed by May 1, 2017.
9. On May 19, 2017, Levi Hopkins, ODF Stewardship Forester, reported that he visited the site and has determined that the unit has not been planted, the house is empty and the property may be for sale or sold. Also, the Reesers have not sent documentation of a land use change.
10. Regarding their level of cooperation, Mr. Arbow has reported that Brad Reeser and Sarah Stark-Reeser have been evasive and have neglected to take necessary and timely action to repair damage. Mr. Arbow also reported that he has called Brad Reeser and Sarah Stark-Reeser several times but no one answers the phone.
11. Regarding prior knowledge, Mr. Arbow has reported that there has been no change in ownership since the notification and harvest. Also, Brad Reeser and Sarah Stark-Reeser have been sent correspondence from ODF about the required practices involved in the violation, before the violation. Finally, repairs were not done.
12. As of June 1, 2017, Mr. Arbow and Mr. Hopkins have not heard from Brad Reeser or from Sarah Stark-Reeser.

III. NOTICE OF CIVIL PENALTY; ORDER

Brad Reeser and Sarah Stark-Reeser are ordered to pay a civil penalty in the amount of **\$3,250.00**. This penalty is calculated using a formula set out in OAR 629-670-0210 (enclosed). The formula is $\$B(C \times P) + (\$B \times D \times R)$, where:

1. The base penalty value (\$B) is **\$250.00** for violation of OAR 629-610-0040(3). See Page 28 of 134 OAR 629-670-0210(2)(b)(A) and (B).

2. The cooperation value (C) is **2** because Brad Reeser and Sarah Stark-Reeser failed to take necessary and timely action to repair damage or correct any unsatisfactory condition. See OAR 629-670-0210(3)(c).
3. The prior knowledge value (P) is **5** because Brad Reeser and Sarah Stark-Reeser failed to comply with an order to repair damage or correct an unsatisfactory condition. See OAR 629-670-0210(4)(f).
4. The damage value (D) is **3** because the State Forester has determined that damage to 3 acres of affected resources is more serious with self-restoration taking up to 5 years. See OAR 629-670-0210(5)(c).
5. The repair value (R) (extent of damage that cannot be corrected or prevented in the future) is **1.0** because the State Forester has determined that **none** of the actual and potential damage has been repaired, avoided, or mitigated. See OAR 629-670-0210(6).

$$\$250(2 \times 5) + (\$250 \times 3 \times 1) = \$3,250.00 \text{ Total Due}$$

IV. RIGHT TO A HEARING; NOTICE FOR ACTIVE DUTY SERVICEMEMBERS

You are entitled to a hearing as provided by the Forest Practices Act and the Administrative Procedure Act (chapter 183, Oregon Revised Statutes). If you want a hearing, you must file a written request for hearing, directed to:

**State Forester
2600 State Street
Salem, Oregon, 97310
Attn: Civil Penalty Administrator**

Your request must be received within 20 days of the date this notice was mailed as defined in "How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation" (enclosed). You must also file admissions, denials, claims and defenses, either with the request or within 10 days after your request for a hearing. For more details about what you must include in your written request, refer to the enclosed.

An independent administrative law judge (ALJ) will hold the hearing. The purpose of the hearing is for both sides to present their facts so that the ALJ can make a recommendation to the Board of Forestry about whether the penalty was appropriate. An attorney may represent you at the hearing. However, an attorney **must** represent you at formal proceedings if you are a corporation, partnership, limited liability company, unincorporated association, or trust.

Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If the department does not receive a request for hearing by **November 28, 2017**, you will have waived your right to a contested case hearing.

V. REQUESTING COLLABORATIVE DISPUTE RESOLUTION

There may be details about your case that you wish to address informally, without going through a contested case hearing. If so, you may also consider asking the Civil Penalty Administrator to use a *collaborative dispute resolution* (CDR) process to resolve the issues in controversy. CDR refers to informal negotiations over the issues raised in this notice, including the possible use of an independent third party to facilitate the negotiation sessions. If you and the Department of Forestry agree to participate in a CDR process, there is no obligation to reach an agreement, and either you or the department may choose to withdraw from the process at any time.

If you want CDR, you must send a written request to the State Forester, together with a request for hearing, Attn: Civil Penalty Administrator at the same address as above, within 20 days from the date this notice was mailed.

VI. STEPS YOU MUST FOLLOW

If you request only a hearing within 20 days of mail date, the Civil Penalty Administrator will notify you of the time and place of the hearing. You will be provided with information on the procedures, right of representation, and your rights relating to the conduct of the hearing under ORS 183.413(2).

If you request collaborative dispute resolution, you must also request a hearing and do both within 20 days of mail date to prevent this order from becoming final. The Civil Penalty Administrator will notify you whether the Department of Forestry will participate with you in a CDR process. You retain your right to a hearing while the Department of Forestry considers your request. If the department chooses not to participate in a CDR process, or if CDR does not resolve the matter, a hearing can be scheduled.

Following receipt of your written request for CDR, you will be provided with more information on the process(es) you requested, on your rights in the process(es), and on scheduling.

VII. FINAL ORDER BY DEFAULT

This order and penalty assessment will become final by default if:

1. You do not request a hearing within 20 days of mail date of this notice;
2. You withdraw a request for a hearing;
3. You notify the Civil Penalty Administrator or administrative law judge that you will not appear; or
4. You fail to appear at a scheduled hearing.

When a default order is issued, the record of what has happened to date, including the Department of Forestry files on this violation, automatically becomes part of the contested case record. The department asserts that this record proves that there are sufficient facts to support the penalty order.

VIII. PAYING THE CIVIL PENALTY; COLLECTION

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When this order becomes final, you are ordered to pay the penalty, which is due and payable within 10 days. Your check or money order in the amount of \$ 3,250.00 is payable to "State Forester" and should be sent to:

Department of Forestry
Unit 12
PO Box 4395
Portland, Oregon 97208-4395

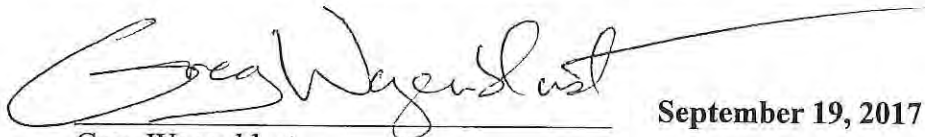
If you are requesting a hearing, collaborative dispute resolution, or reduction of the penalty, do not pay this penalty.

You may request the Civil Penalty Administrator to consider reduction of the penalty through any of several methods described in "**How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation**" (enclosed). This request must be sent to the State Forester, Attn: Civil Penalty Administrator, at the address provided for requesting a hearing, within 20 days from the date this notice was mailed.

All civil penalties are credited to the State's General Fund. The penalties are not used by, nor available to, the Oregon Department of Forestry or the State Forester.

If the penalty is not paid in a timely manner, the invoice will be referred to the Department of Forestry's Finance Section for collection. Failure to respond to these efforts will result in the debt then being referred to a collection agency.

In addition, the Department may have this civil penalty order recorded with the county clerk in any county of this state. The clerk will then record your name and the amount of the penalty in the County Clerk Lien Record.


September 19, 2017
Greg Wagenblast
Civil Penalty Administrator,
For: Peter Daugherty, State Forester

FOREST PRACTICE NOTES

OCTOBER 2002 NUMBER 7 (Revised)



PUBLISHED BY
THE FOREST PRACTICES PROGRAM
OREGON DEPARTMENT OF FORESTRY
2600 STATE STREET
SALEM, OREGON 97310
<http://www.odf.state.or.us>

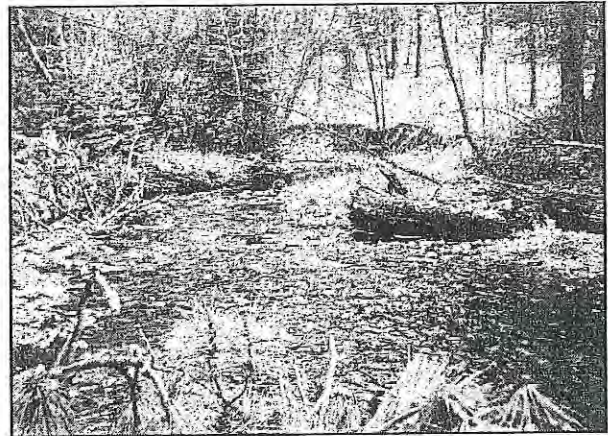
Your cooperation can minimize civil penalty assessments.

Measures can be undertaken to minimize the amount of a civil penalty that is assessed following a Forest Practices Act (FPA) violation in Oregon. If the activities that are in violation are ceased and damage is repaired in a timely manner, where feasible, your cooperation will be considered in assessing a civil penalty.

A primary goal of the Board of Forestry and the Oregon Department of Forestry (ODF) is to protect forest resources.

Even though civil penalties are used to discourage operators, landowners and timber owners from committing violations that could result in resource damage, ODF's Civil Penalty program is primarily focused on preventing and correcting damage to Oregon's forest resources. The program is set up so that resource enhancement and mitigation measures can be substituted for all or part of a civil penalty. Of course, the extent and feasibility of such mitigation depends not only upon your level of cooperation, but your previous record in abiding by the FPA's rules and regulations.

ODF's civil penalty program is primarily focused on preventing and correcting damage to Oregon's forest resources



CIVIL PENALTIES

By making an investment in enhancing the resources protected by the Forest Practices Act that include air quality, water, soil productivity, fish, wildlife and scenic resources, you may be able to offset some or all of the civil penalty you have been assessed.

This is accomplished by entering into an agreement with ODF to perform a resource enhancement project. Projects may include, but are not limited to:

- Planting a greater number of trees per acre in a set timeline for a reforestation violation
- Reconstructing, relocating or vacating roads that present a higher risk to the protection of water quality than if they had been located and designed to current forest practice rule standards
- Restoring or enhancing upstream/downstream fish passage, including replacing crossing structures not designed to current forest practice rule standards
- Restoring or enhancing fish habitat by placing large woody debris or other structures in or adjacent to stream channels
- Retaining conifers adjacent to streams to supplement current forest practice rule requirements that are consistent with forest health considerations
- Restoring or enhancing threatened or endangered habitat or other wildlife habitat
- Restoring or enhancing the protection of salmonid spawning areas
- Controlling noxious weeds or exotic species

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- Reducing the risk of catastrophic fire, or insect or disease damage

In addition, you may also agree to donate all or an agreed-upon portion of the penalty to a local watershed council or other program that does habitat enhancement projects.

Forest practices foresters (FPFs) issue written statements in an attempt to avoid resource damage and citations or penalties.

Forest practices foresters who work in ODF district and unit offices are responsible for administering FPA rules and monitoring forest operations on state and private forestlands. If a forest practices forester discovers you have not followed the forest practice rule, but determines there is still time to correct the action and prevent damage, you will receive a *written statement of an unsatisfactory condition*. The FPF will consider:

- Local site conditions
- Weather forecasts
- Availability of equipment
- Your expertise to accomplish the job
- Access to the site.

Although a written statement is *not* a citation, a citation will follow if steps aren't taken to correct the situation or resource damage occurs before action is taken. The written statement will include:

- A description of the problem
- The corrective action that should be undertaken
- A deadline for the work to be completed
- A notice that enforcement action will be initiated if damage results before the corrective action is completed or if the action is not completed by the date specified.

When written statements are followed and damage is avoided, you are considered to have complied and no citations or penalties are issued. Written statements are also often appropriate for administrative violations such as failure to notify, failure to obtain prior approval or failure to have an approved written plan.

If resource damage has already occurred, citations are issued.

If the FPF determines damage has already occurred, or there is not enough time to correct a situation before damage occurs, a citation will be issued. The determination of resource damage is not necessary for administrative violations. The citation will be accompanied by an order to

The Forest Practices Act (FPA)

The 1971 Forest Practices Act (FPA), administered by the Oregon Department of Forestry (ODF), requires landowners to use specific forest management practices to protect forest resources. There are regulations for:

- Reforestation
- Constructing & maintaining roads
- Timber harvesting
- Applying chemicals
- Disposing of logging slash

Forest resources protected by the FPA include:

- Air
- Water
- Soil
- Fish and wildlife
- Scenic resources along Oregon's highways

Enforcing the FPA

ODF emphasizes education and planning to achieve the purposes of the FPA. This is accomplished through operator education programs, on-site inspections, written recommendations for avoiding resource damage and requiring prior notification of operations and written plans.

In 1987, the FPA was amended to include civil penalties for enforcement. Prior to this change, criminal penalties were the only enforcement method.

The Civil Penalty program is very effective. Throughout the 1990s, the Board of Forestry continued to improve the program by addressing new rules, making administrative corrections and refining enforcement policies. In 2002, the board adopted additional administrative and civil changes, and the Central Hearing Process was initiated.

Forest Practices Foresters (FPFs) and the Oregon State Forester's Office Enforce the Forest Practices Rules

Forest practices foresters in ODF district and unit offices are responsible for administering FPA rules and monitoring forest operations on state and private forestlands in Oregon. Each FPF is responsible for an assigned geographic area. Civil penalties staff, under the direction of the Forest Practices program director, directs the policy of the program and provides support to FPFs around the state.

FPFs review operation notifications filed in their administrative area and prioritize them based on the type of resources requiring protection. Inspections are concentrated on operations with the highest potential for damage.

FPFs are also responsible for granting prior approval and approving written plans for certain forest practices. Once an operation begins, an FPF will continue to monitor the operation for compliance with the FPA. Recommendations are made to the operator, when necessary, to avoid problems or rule noncompliance.

cease further violation and repair resource damage, if necessary and feasible. Copies of the citations are always sent to the landowner and timber owner.

If you disagree with a citation, the local ODF district office should be contacted before a penalty is assessed.

You may review the facts of your case with the FPF and supervisor before a civil penalty is assessed.

A consent order to do additional repair work or a mitigation project can potentially reduce a civil penalty assessment.

After the FPF issues a citation with orders to cease further violation and repair damage, you and the district, may discuss the possibility of doing

additional repair work or completing a mitigation project. The possibility of revising operational procedures to prevent future problems may also be discussed. Salem staff may be involved in this process. These actions could potentially offset a portion of the civil penalty or the entire civil penalty if the work is done in a timely manner.

If an agreement is reached, a "consent order" will be prepared. A consent order is a binding document indicating your commitment to perform mitigation. You also waive current appeal rights. When you meet the terms of the order, no additional penalty is assessed. Failure to meet the terms will most likely result in efforts to collect suspended penalties (or to impose additional ones).

In addition, the civil penalty staff may, after consultation with the district, contact you and offer a settlement prior to assessing a civil penalty.

However, if terms of the agreement are not met, additional action may be taken.

If you do not enter into a consent order and the deadline for completing repairs has passed, the civil penalty staff will assess a penalty.

You will be notified of the civil penalty by certified and first class mail or by personal service. The notice includes:

- A reference to the particular statute, rule, or standard.
- A short statement of the alleged violation
- A statement of the amount of the penalties imposed and how they were calculated
- Statements about how and when a hearing, collaborative dispute resolution or mitigation of the penalty can be requested.

ODF may be required to use other civil remedies to repair damage if corrective action was required and not completed in a timely manner.

These civil remedies could include ODF obtaining court orders to force compliance. The Board of Forestry can also complete the repairs and bill the costs to the landowner, timber owner or operator. If these charges are not paid, a joint lien can be held against the real and personal property of the operator, timber owner and landowner.

A formula is used to provide a uniform and consistent system of assessing forest practices civil penalties.

Copies of citations, along with any other information pertaining to the violations, are sent to the ODF Civil Penalty Administrator. The administrator reviews the circumstances of each violation and determines the amount of the penalty to be assessed by applying a formula set by the Oregon Board of Forestry.

The assessment begins with a base penalty of \$100 to \$1,000, depending upon the type of violation. Other factors are then applied to the base penalty, including:

- The operator's level of cooperation
- The operator's knowledge and record of previous violations
- The severity of the damage created by the violation
- The extent that damage has been repaired or mitigated.

The minimum penalty is \$25. However, any penalty less than \$100 will be suspended, unless additional violations occur within the next year. The maximum civil penalty is \$5,000.

NOTE: *Violations involving the harvest of trees required to be left for resource protection can be regarded as multiple violations, each subject to a penalty of up to \$5,000.*

The civil penalty formula is designed to determine a penalty that is just enough to demonstrate that it is more cost efficient to conduct an operation in compliance with the forest practice rules than it is to violate them.

The objective of the rules is to have the penalties serve as a deterrent to prevent future violations. All monies collected through civil penalty assessments go directly to the state's General Fund account; the money is not directed to any particular agency or budget.

Besides being subject to a civil penalty, an operator can be cited to court. Criminal penalties, however, are usually only used for serious violations.

Criminal penalties may be sought in cases where, in the judgement of the State Forester, the operator acted intentionally, knowingly, or recklessly. This enforcement method can also be used when the operator has made

substantial financial gain in excess of the amount recoverable by a civil penalty.

When criminal penalties are sought, the citation is presented to the District Attorney where the violation occurred, along with a case brief, for the misdemeanor prosecution.

Contesting a civil penalty requires you to submit a written request to the Oregon Board of Forestry.

If you are issued a civil penalty, you have the right to contest the penalty before a hearing officer through the contested case hearing process. This process is established in statute with administrative rules set by the Attorney General. The Oregon Board of Forestry has adopted those rules for its hearing processes. To contest a penalty, *you must submit a written request for a hearing within 20 days from the day that the civil penalty notice is served.* In addition, you may request mitigation of the penalty, and/or collaborative dispute resolution.

When requesting a hearing, or within ten days of making the initial request, you must state in writing:

- What is true or false about the matters stated in the notice of penalty and
- Your arguments and facts that contradict the findings in the penalty notice.

In many cases, an agreement may be reached outside the formal hearing process, with all parties signing a consent order.

A hearing officer from the Central Hearing Panel will hear any case that cannot be settled informally or through mediation.

Hearings will be held not less than 45 days and not later than 180 days from the day the notice of penalty was served, unless all parties agree to set aside the time limit.

Hearings are held at an ODF field office or by telephone. The hearing officer will then summarize the facts and propose an order to the board. The proposed order is presented for action at the next scheduled board meeting.

After the board reviews the proposed order and any exceptions, it makes a decision and issues a final order. All involved parties receive a copy of the final order. The Oregon Court of Appeals may review final orders in contested cases. ♦

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Amount of Civil Penalties
OAR 629-670-0210

Penalty Formula

- (1) The amount of civil penalty per violation shall be the lesser of \$5000 or the amount determined by the formula $\$B(C \times P) + (\$B \times D \times R)$ where:
- (a) \$B is a base fine established by type of violation in section (2) of this rule;
 - (b) C is cooperation;
 - (c) P is prior knowledge or prior violations;
 - (d) D is damage to protected resources; and
 - (e) R is the extent of damage that cannot be corrected, or prevented in the future, even though repairs are made.

Base Penalties

- (2) The base penalty value (\$B) shall be established as follows:
- (a) A base penalty of \$100 shall be applied to violations of a type where the operator fails to notify the State Forester of intent to operate or fails to submit a required written plan or obtain written approval of a plan for an alternate practice.
 - (b) A base penalty of \$250 shall be applied to:
 - (A) Violations of any rule or statute which requires or sets standards for accomplishing reforestation.
 - (B) Violations involving a failure to comply with the terms or conditions of any order of the State Forester issued in accordance with ORS 527.680.
 - (C) Violations of a type where the operator fails to comply with any term or condition of an approved plan for an alternate practice.
 - (D) Violations where the State Forester determines that an operator has intentionally failed to notify the State Forester of intent to operate, notwithstanding subsection (2)(a) of this rule.
 - (E) All other violations of forest practice rules or statutes not specifically described in section (2) of this rule.
 - (c) A base penalty of \$1000 shall be applied to violations of any rule or statute which sets a maximum size for harvesting operations.

Cooperation of the Operator

- (3) The cooperation value (C) shall be determined by the State Forester after reviewing whether the operator is taking all feasible steps or procedures necessary or appropriate to correct the violation for which the penalty is being assessed. The value shall be assigned as follows:
- (a) A value of 0.5 shall be assigned when, in the judgment of the State Forester, the operator takes substantial initiative to correct the damage or problem that led to the violation. Substantial initiative may include, but is not limited to, reporting the violation before it is discovered, initiating effective repairs without having to be directed, or making substantive changes in operating procedures designed to identify and avoid potential recurrences.
 - (b) A value of 1 shall be assigned when the operator cooperates in following the direction of the State Forester by immediately ceasing further violation and taking prompt action to repair damage or correct any unsatisfactory condition where deemed feasible by the State Forester.
 - (c) A value of 2 shall be assigned when the State Forester determines that the operator does not immediately cease further violation, is evasive upon attempts to make necessary communications, or neglects to take necessary and timely action to repair damage or correct any unsatisfactory condition.

Prior Knowledge of the Operator

- (4) The prior knowledge value (P) shall be determined by the State Forester after reviewing department records of citations, operation notification or operation inspections. A value from 0.5 through 10 shall be assigned as follows:
- (a) A value of 0.5 is appropriate when the operator has little or no prior knowledge of the Oregon Forest Practices Act but has cooperated in ceasing violation and correcting unsatisfactory conditions.
 - (b) A value of 1 is appropriate when the operator has general knowledge of the Oregon Forest Practices Act and rules, but has not had significant past experience with the practice in question, or has significant past experience with the practice, but the violation is determined by the State Forester to be inadvertent or accidental.
 - (c) A value of 2 is appropriate when the operator has had significant past experience with a practice or condition, or has had specific correspondence or conversation with department personnel about the required practices or actions involved in the violation, before the violation.
 - (d) A value of 4 is appropriate when the State Forester has issued a written statement of unsatisfactory condition to the operator for the violation and timely corrective action was not taken.

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- (e) A value from 3 through 5 is appropriate when the operator has received citations for any other forest practice rule or statute within the past three years.
- (f) A value from 5 to 10 shall be assigned when the operator has been cited within the past three years for a violation of the same forest practice rule, statute, or condition; or in a case of failure to comply with an order to cease further violation, or order to repair damage, or order to correct an unsatisfactory condition (ORS 527.680(2)).

Damage Value

- (5) The damage value (D) shall be determined by the State Forester as a measure of extent or relative adverse effect of damage. The specific value applied shall be based on the pre-operation condition of the site, if known, the severity and extent of damage associated with the violation, and any potential economic gain to any involved operators. The damage value should be consistent with the policy of deterring future violations. A value from 0 through 20 shall be assigned. The following shall guide the State Forester's determination:
- (a) A value of zero shall be assigned when the violation has not resulted and will not result in resource damage.
 - (b) A value of 1 shall be assigned when the adverse effects of the violation left uncorrected are minor and the affected resources will naturally self-restore within one year. Example: Siltation from exposed soil flows into the upper reaches of a stream, but the site will naturally revegetate within the next growing season, preventing further siltation.
 - (c) A value from 2 to 5 shall be assigned when the damage from the violations left uncorrected is more serious than described in subsection (b) of this section, but the affected resources will self-restore naturally within five years. Examples: A small volume debris avalanche is caused by road construction material placed in an unstable location and the debris comes to rest in a fish-bearing or domestic use water; or logs are skidded across a stream without an adequate temporary crossing leaving ruts and disturbed soil areas that will flow muddy water directly into the stream.
 - (d) A value from 5 through 10 shall be assigned when the damage from the violation left uncorrected is major in relative effect, with natural self-restoration taking up to 10 years. A consideration in selecting a value from 5 to 10 may include, but is not limited to the size of the area affected. Examples: Failure to reforest five acres may be assigned no less than a 5, while failure to reforest 50 acres may be assigned a 10. Removal of understory vegetation along 500 feet of a small stream may be assigned a 10.
 - (e) A value from 5 through 20 shall be assigned when damage is the result of harvest or destruction of trees or snags required to be maintained; or when the damage from the violation left uncorrected is major in relative effect, with self-restoration taking more than 10 years. Example: Severe riparian management area soil disturbance, combined with the total harvest or destruction of what had been a fully stocked stand of trees required to be maintained, along more than 500 feet of a small stream may be assigned a factor of 20.

Repair Value

- (6) The repair value (R) shall be assigned by the State Forester as a measure of the relative extent of the damage that is corrected or prevented through timely corrective action. The value shall be set by the State Forester between 0 and 1, inclusive and expressed as a decimal. The decimal indicates the degree of damage that already occurred and future damage that cannot be prevented, even after the repairs are completed as directed in the repair order. Example: A tractor crossed a stream with no temporary structure, breaking the stream banks down, leaving exposed skid trails which eroded, creating turbidity, and leaving visible sediment in the stream. With no repairs, the stream bank and skid trails would revegetate in 4 years. The landowner performed all repairs as ordered, including mulching, placing rip-rap, and building waterbars. In the State Forester's judgement, compliance with the repair order will prevent all but 20% of the potential damage expected over the next 4 years. Therefore R equals 0.20. If repairs are not feasible or are not completed, R equals 1.0.

CERTIFICATE OF SERVICE

Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

I **HEREBY CERTIFY** that I have made service of copies of the foregoing Notices of Civil Penalty upon the following parties by causing them to be mailed in the United States Post Office at Salem, Oregon, on September 19, 2017, by United States Mail and Certified Mail, a true, exact and full copy thereof, enclosed in an envelope with postage thereon prepaid, addressed to:

Brad Reeser and Sarah Stark-Reeser
[REDACTED]

CERTIFIED MAIL & FIRST CLASS MAIL

Linda Price

Linda Price, Civil Penalty Specialist
Private Forests Program
(503) 945-7368

7016 1370 0000 7292 7062

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
9/19/17 Postmark Here	
Brad Reeser and Sarah Stark-Reeser	
[REDACTED]	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Returned as no forwarding address
Remailed on 10/10/17 to new address

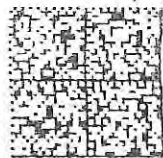
ATENDA ITEM D

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U.S. POST OFFICE PITNEY BOWES



ZIP 97301 \$001.40⁰
02 1W
0001393081 SEP 19 2017

13
5222692N2270 97310 BC
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER
REESER
980 ASE 1.000000
RETURN TO SENDER
AL6C0109/26/17

From: STATE OF OREGON
DEPARTMENT OF FORESTRY
2600 State Street, Salem, Oregon 97310

Brad Reeser and Sarah Stark-Reeser



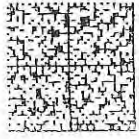
CONTENTS MERCHANDISE
Postmaster: This parcel may be opened for postal inspection if necessary.

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Page 1 of 2

US POSTAGE & PITNEY BOWES
ZIP 97301 \$007.50⁰
02 1W
0001393081 SEP 19 2017



SENDER
■ **Compli**
■ **Print your name and address on the reverse so that we can return the card to you.**
■ **Attach this card to the back of the mailpiece, or on the front if space permits.**

1. Article Addressed to:
Brad Reeser and Sarah Stark-Reeser

2. Article Number (Transfer from service label)
7016 1370 0000 7292 7052

3. Service Type
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Restricted Delivery

4. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Restricted Delivery

Domestic Return Receipt

From: **STATE OF OREGON**
DEPARTMENT OF FORESTRY
2600 State Street, Salem, Oregon 97310

988 NE2 1 A15C0109/26/17
RETURN TO SENDER
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER
NUAL PROC REQ 0127N269223-01359

CONTENTS MERCHANDISE
Postmaster: This parcel may be opened for postal inspection if necessary.

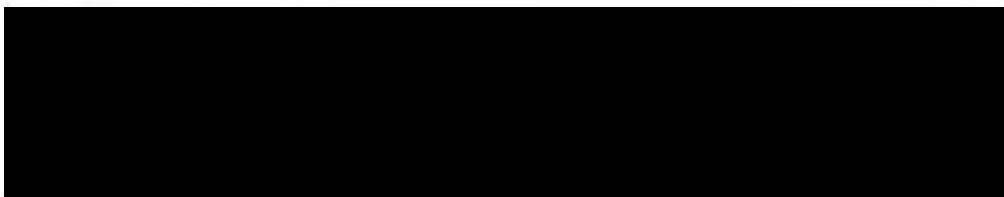
2902 2622 0000 02ET 9702



Bradley Reeser



Bradley Reeser

[UNLOCK PROFILE](#)**Unlock this profile to monitor for updates!**

Unlock this profile to monitor it and be notified of any updates.



Personal Details

Full Name, Age,
Relationship Status, and
More

Contact Information

Phone, Email, Business
Contacts, and Full Address

Location History

Current & Previous
Address and
Neighborhood
Information

Photos & Online Profiles

Social Profile, Photos, and
Videos from Top Online
Sites

Family Background

Family Members,
Relatives, Spouse Info

Court & Historic Records

ATENDA ITEM D
Attachment 4Full Background Check Page 41 of 134
(May require additional credit)

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Bradley Reeser



Customer Testimonials

”

"As a diligent investigator looking to get all data and decide for myself what is important to my case, Spokeo has set me leaps and bounds ahead of my peers in desktop investigation."

Rick M.

”

"The services and search filters worked great for me. I used them to find my biological father, whom I had never met, after 29 years. I will continue to refer people to Spokeo."

Edward M.

”

"Thanks to Spokeo, I found out that I was dating a married man and it broke my heart. This website was very helpful indeed."

Bridget K.

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ALG
2 of 5

Filter by Age

All Ages

Filter by State

Any State

Oregon

One possible match for Brad Reeser in Oregon

1 possible matches

Filter

Premium ResultPremium results may include criminal records, bankruptcies, property records, and more.

Bradley Charles Reeser

Also known as Brad Charles Reeser

Age [REDACTED]

Lives in [REDACTED]

Used to live in [REDACTED]

Related to [REDACTED]

[View Full Report](#)

Premium ResultPremium results may include criminal records, bankruptcies, property records, and more.

Brad Charles Reeser

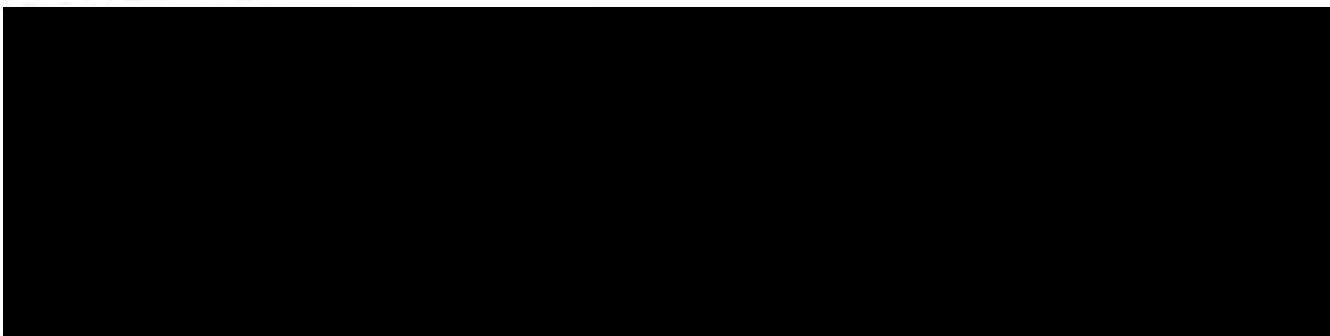
Also known as Bradley Charles Reeser

Age [REDACTED]

Lives in [REDACTED]

Used to live in [REDACTED]

[View Full Report](#)



M D

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EXHIBIT

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Attachment 4

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Brad Reeser
OR
1 Birth Records



Brad Reeser
OR
1 Death Records



Brad Reeser
OR
49 Marriage Records

Why use Whitepages?

On Whitepages you can lookup phone numbers, find mobile numbers, do an address search and get a background report and public records for the 1 results for Brad Reeser in OR and more.

Every second, Whitepages helps 19 people find friends, know who is calling and get critical background information to help keep their family safe.

What is Whitepages?

Whitepages, founded in 1997, helps you stay in contact with and verify the people in your world. More than 50 million people per month use our free and premium people search engine and background reports to reconnect with friends and family, keep contacts up to date, and verify identities. In addition, leading companies like Jet Blue, Lego and Intuit use Whitepages to help prevent fraudulent transactions while delivering great online experiences.

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You entered:

BRADLEY REESER
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[Edit and Search Again](#)

Take a Look

Shop stamps,
supplies, gifts,
and more!

Here's the full address, using standard abbreviations and formatting. However, we can't verify that this is the actual location of the business. Double-check the address before mailing here...

BRADLEY REESER
[REDACTED][Show Mailing Industry Details](#)

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ATENDA ITEM D

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September 19, 2017

Commented [A1]: Returned as moved cannot be forwarded.
Remailed on 10/10/17 to [REDACTED]

Brad Reeser and Sarah Stark-Reeser
[REDACTED]

Certified and First Class Mail

Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

Mr. Reeser and Ms. Stark-Reeser:

On August 30, 2016, the Oregon Department of Forestry issued a citation to you for violation of the Forest Practices Act. Staff reviewed the citation and facts in this case and determined that a fine was appropriate as described in the enclosed notice of civil penalty. Please read the notice for the penalty amount and information about your rights to a hearing or collaborative dispute resolution. In addition, more detailed information on those rights is enclosed in a separate document.

This harvest unit is still required to be reforested and meet the free to grow requirement with 200 trees per acre as indicated in the repair order. If action is not taken on your part to establish trees or complete a land use change that is approved by the Oregon Department of Forestry, further action will be taken.

If you have any questions regarding this matter or the administration of civil penalties, please call this office at (503) 945-7382.

Sincerely,

Greg Wagenblast
Civil Penalty Administrator

C: Levi Hopkins, Stewardship Forester, Santiam Office

Enclosures

- (1) Notice of Civil Penalty
- (2) Formula for Determining Civil Penalties
- (3) How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation
- (4) Invoice

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State of Oregon
Department of Forestry on behalf of the
Board of Forestry

In the matter of violation	)	Notice of Civil Penalty;
of the Forest Practices Act,	)	Findings of Fact; Proposed
OAR 629-610-0040(3)	)	and Final Order;
by Brad Reeser and Sarah Stark-Reeser	)	Case No. 16-CN029

TO: BRAD REESER AND SARAH STARK-REESER

I. APPLICABLE LAW

Oregon Revised Statute (ORS) 527.610 requires anyone who conducts forest operations¹ or who owns forestland to conform to the Forest Practices Act and Oregon Administrative Rules (OAR). A person who fails to follow the statute and rules is subject to a civil penalty as provided by ORS 527.683 through .687 and 527.992.

The Oregon Board of Forestry considers that you have violated the Forest Practices Act and OAR 629-610-0040, Time Allowed For Reforestation, which states in relevant part:

(3) The landowner² shall complete planting or seeding within 24 months unless a plan for an alternate practice³ for natural reforestation has been approved by the State Forester⁴.

II. FINDINGS OF FACT

On or about July 19, 2016, Joe Arbow, Oregon Department of Forestry (ODF), Stewardship Forester discovered that Brad Reeser and Sarah Stark-Reeser failed to complete planting harvest units with acceptable species within 24 months after completion of an operation that reduced stocking to a level that required reforestation, according to OAR 629-610-0020⁵. This violation occurred on 3 acres of forestland⁶, located in Section 23, Township 9 South, Range 1 East of the Willamette Meridian, in Linn County. The findings of fact that support the determination to issue a civil penalty are set out below:

1. On February 22, 2013, a notification (No. 2013-582-00077) was filed with ODF for a clearcut/shelterwood harvest on land owned by Brad Reeser and Sarah Stark-Reeser, located at

[REDACTED]

2. Subsequent to completion of the operation, Mr. Arbow mailed a courtesy letter (not dated) to the landowners stating that tree planting should be completed by April 30, 2016.

¹ See ORS 527.620(12) – Definition of “Operation”

² See ORS 527.620(11) – Definition of “Landowner”

³ See 2014 edition of OAR 629-600-0100(57) – Definition of “Plan for alternate practice; OAR 629-605-0173, Plans for Alternate Practice Attachment 4

⁴ See OAR 527.620(15) – Definition of “State Forester”

⁵ Division 610 of Chapter 629, Department of Forestry, are referred to as the Forest Practices Reforestation Rules, 2014 edition.

⁶ See 2014 edition of OAR 629-600-0100(26) – Definition of “Forestland”

3. On April 29th, 2016, Mr. Arbow called the landowners at the phone number on the notification, but no one answered.
4. On June 2, 2016, Mr. Arbow called the phone number listed on the notification again and realized it was a wrong number. After looking in the phone book, Mr. Arbow called another phone number listed for Brad Reeser and Sarah Stark-Reeser. Again no one answered the phone call and a message could not be left.
5. On June 16, 2016, Mr. Arbow mailed a letter to the landowner to set up a time to meet and talk with them about the reforestation obligation.
6. On June 27 2016 and again on July 1, 2016, Mr. Arbow visited the site. Since the driveway had a gate, that was closed on both dates, he could not access the property. Instead, he took photos from the highway right of way and neighboring property. He found no evidence of trees planted or any brush control.
7. On July 19, 2016, Mr. Arbow issued a citation and repair order and mailed them to Brad Reeser and Sarah Stark-Reeser. Repairs (site prep and planting) must be completed by May 1, 2017. Linn County has been notified that trees have not been replanted.
8. On August 30, 2016, Mr. Arbow reissued the citation and repair order to correct the year from 2019 to 2016 and mailed them again to Brad Reeser and Sarah Stark-Reeser. Repairs are still due to be completed by May 1, 2017.
9. On May 19, 2017, Levi Hopkins, ODF Stewardship Forester, reported that he visited the site and has determined that the unit has not been planted, the house is empty and the property may be for sale or sold. Also, the Reesers have not sent documentation of a land use change.
10. Regarding their level of cooperation, Mr. Arbow has reported that Brad Reeser and Sarah Stark-Reeser have been evasive and have neglected to take necessary and timely action to repair damage. Mr. Arbow also reported that he has called Brad Reeser and Sarah Stark-Reeser several times but no one answers the phone.
11. Regarding prior knowledge, Mr. Arbow has reported that there has been no change in ownership since the notification and harvest. Also, Brad Reeser and Sarah Stark-Reeser have been sent correspondence from ODF about the required practices involved in the violation, before the violation. Finally, repairs were not done.
12. As of June 1, 2017, Mr. Arbow and Mr. Hopkins have not heard from Brad Reeser or from Sarah Stark-Reeser.

III. NOTICE OF CIVIL PENALTY; ORDER

Brad Reeser and Sarah Stark-Reeser are ordered to pay a civil penalty in the amount of **\$3,250.00**. This penalty is calculated using a formula set out in OAR 629-670-0210 (enclosed). The formula is $\$B(C \times P) + (\$B \times D \times R)$, where:

1. The base penalty value (\$B) is **\$250.00** for violation of OAR 629-610-0040(3). See Page 48 of 134
OAR 629-670-0210(2)(b)(A) and (B).

2. The cooperation value (C) is **2** because Brad Reeser and Sarah Stark-Reeser failed to take necessary and timely action to repair damage or correct any unsatisfactory condition. See OAR 629-670-0210(3)(c).
3. The prior knowledge value (P) is **5** because Brad Reeser and Sarah Stark-Reeser failed to comply with an order to repair damage or correct an unsatisfactory condition. See OAR 629-670-0210(4)(f).
4. The damage value (D) is **3** because the State Forester has determined that damage to 3 acres of affected resources is more serious with self-restoration taking up to 5 years. See OAR 629-670-0210(5)(c).
5. The repair value (R) (extent of damage that cannot be corrected or prevented in the future) is **1.0** because the State Forester has determined that **none** of the actual and potential damage has been repaired, avoided, or mitigated. See OAR 629-670-0210(6).

$$\$250(2 \times 5) + (\$250 \times 3 \times 1) = \$3,250.00 \text{ Total Due}$$

IV. RIGHT TO A HEARING; NOTICE FOR ACTIVE DUTY SERVICEMEMBERS

You are entitled to a hearing as provided by the Forest Practices Act and the Administrative Procedure Act (chapter 183, Oregon Revised Statutes). If you want a hearing, you must file a written request for hearing, directed to:

State Forester
2600 State Street
Salem, Oregon, 97310
Attn: Civil Penalty Administrator

Your request must be received within 20 days of the date this notice was mailed as defined in "How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation" (enclosed). You must also file admissions, denials, claims and defenses, either with the request or within 10 days after your request for a hearing. For more details about what you must include in your written request, refer to the enclosed.

An independent administrative law judge (ALJ) will hold the hearing. The purpose of the hearing is for both sides to present their facts so that the ALJ can make a recommendation to the Board of Forestry about whether the penalty was appropriate. An attorney may represent you at the hearing. However, an attorney **must** represent you at formal proceedings if you are a corporation, partnership, limited liability company, unincorporated association, or trust.

Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If the department does not receive a request for hearing by **October 30, 2017**, you will have waived your right to a contested case hearing.

V. REQUESTING COLLABORATIVE DISPUTE RESOLUTION

There may be details about your case that you wish to address informally, without going through a contested case hearing. If so, you may also consider asking the Civil Penalty Administrator to use a *collaborative dispute resolution* (CDR) process to resolve the issues in controversy. CDR refers to informal negotiations over the issues raised in this notice, including the possible use of an independent third party to facilitate the negotiation sessions. If you and the Department of Forestry agree to participate in a CDR process, there is no obligation to reach an agreement, and either you or the department may choose to withdraw from the process at any time.

If you want CDR, you must send a written request to the State Forester, together with a request for hearing, Attn: Civil Penalty Administrator at the same address as above, within 20 days from the date this notice was mailed.

VI. STEPS YOU MUST FOLLOW

If you request only a hearing within 20 days of mail date, the Civil Penalty Administrator will notify you of the time and place of the hearing. You will be provided with information on the procedures, right of representation, and your rights relating to the conduct of the hearing under ORS 183.413(2).

If you request collaborative dispute resolution, you must also request a hearing and do both within 20 days of mail date to prevent this order from becoming final. The Civil Penalty Administrator will notify you whether the Department of Forestry will participate with you in a CDR process. You retain your right to a hearing while the Department of Forestry considers your request. If the department chooses not to participate in a CDR process, or if CDR does not resolve the matter, a hearing can be scheduled.

Following receipt of your written request for CDR, you will be provided with more information on the process(es) you requested, on your rights in the process(es), and on scheduling.

VII. FINAL ORDER BY DEFAULT

This order and penalty assessment will become final by default if:

1. You do not request a hearing within 20 days of mail date of this notice;
2. You withdraw a request for a hearing;
3. You notify the Civil Penalty Administrator or administrative law judge that you will not appear; or
4. You fail to appear at a scheduled hearing.

When a default order is issued, the record of what has happened to date, including the Department of Forestry files on this violation, automatically becomes part of the contested case record. The department asserts that this record proves that there are sufficient facts to support the penalty order.

VIII. PAYING THE CIVIL PENALTY; COLLECTION

When this order becomes final, you are ordered to pay the penalty, which is due and payable within 10 days. Your check or money order in the amount of \$ 3,250.00 is payable to "State Forester" and should be sent to:

**Department of Forestry
Unit 12
PO Box 4395
Portland, Oregon 97208-4395**

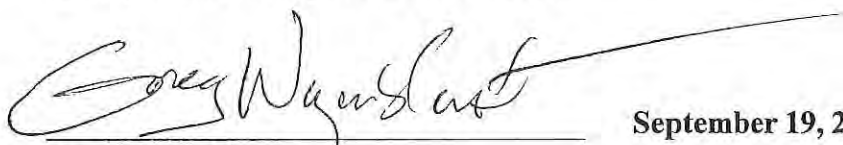
If you are requesting a hearing, collaborative dispute resolution, or reduction of the penalty, do not pay this penalty.

You may request the Civil Penalty Administrator to consider reduction of the penalty through any of several methods described in "**How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation**" (enclosed). This request must be sent to the State Forester, Attn: Civil Penalty Administrator, at the address provided for requesting a hearing, within 20 days from the date this notice was mailed.

All civil penalties are credited to the State's General Fund. The penalties are not used by, nor available to, the Oregon Department of Forestry or the State Forester.

If the penalty is not paid in a timely manner, the invoice will be referred to the Department of Forestry's Finance Section for collection. Failure to respond to these efforts will result in the debt then being referred to a collection agency.

In addition, the Department may have this civil penalty order recorded with the county clerk in any county of this state. The clerk will then record your name and the amount of the penalty in the County Clerk Lien Record.


September 19, 2017
Greg Wagenblast
Civil Penalty Administrator,
For: Peter Daugherty, State Forester

HOW TO REQUEST A HEARING, COLLABORATIVE DISPUTE RESOLUTION AND/OR MITIGATION OF CIVIL PENALTY

Requesting a Hearing

- 1) *The State Forester must receive your hearing request within 20 days from the date of service of the notice of civil penalty. (Service is defined as the date of mailing or upon personal service.)*

If you decide to request a hearing, it must be in writing and directed to:

**The State Forester
Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310**

(You may make the request by facsimile to (503) 945-7490
and follow with regular mailing.)

- 2) *When you request a hearing or within 10 days following your request, you must submit admissions and denials. This means admit (concede as true) or deny (declare untrue) in writing, all factual matters stated in the notice of penalty. Otherwise, any factual matters you do not deny will be presumed admitted.*

In addition, you must state any and all claims or defenses you may have and the reasoning in support of the claims or defenses. Claims and defenses are arguments and facts that contradict the findings of fact stated in the penalty notice. If you fail to raise a claim or defense, it is presumed that you have waived that claim or defense.

- 3) *The administrative law judge will only consider evidence on issues raised in one or more of the following: 1) the notice; 2) the request for hearing; 3) or a timely follow-up statement. In addition, you may present evidence at the hearing on your economic and financial condition only if you had already raised the issue in your request. (See mitigation of penalty below.)*
- 4) *If you do not submit admissions, denials, claims or defenses (as described in #2), the Civil Penalty Administrator will forward agency files of your case to an administrative law judge with the Office of Administrative Hearings for review and a hearing will NOT be scheduled. Instead, the administrative law judge will decide the case on the basis of those files alone, and prepare a proposed order for the Board of Forestry to act upon.*

Corporation, Partnership, Limited Liability Company, Unincorporated Association or Trust Hearings

If you are a corporation, partnership, limited liability company, unincorporated association or trust requesting a hearing, you must be represented by an attorney at pre-hearing conferences and hearings held before the administrative law judge. Unless you are represented by an attorney, your participation during such hearings/conferences would be limited to providing a witness who could testify regarding facts of the case. You would not be allowed to present arguments or examine and cross-examine witnesses.

Hearing Procedures / Location

Hearings shall be conducted using Oregon administrative procedures that are applicable to contested cases. No hearing shall be held earlier than 45 days, not later than 180 days, from the service of the notice, unless otherwise agreed to by all parties.

Hearings will be held at locations that are within the forest practices region where the violation occurred. This is usually a Department of Forestry office, unless all parties agree to a different location. Hearings may also be held by telephone.

Requesting Collaborative Dispute Resolution for a Possible Settlement

- 1) *You may request collaborative dispute resolution (CDR) as a less formal method of review and possible settlement.* Settlement may be reached between you and the Oregon Department of Forestry (district or Salem staff level). A third party may also be called upon to assist.

Requests for collaborative dispute resolution must be made in writing to:

State Forester
Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310

The State Forester must receive the request for CDR within 20 days from the date of service of the notice of civil penalty (follow the procedures in Section 1, "Requesting a Hearing").

IMPORTANT: You must also request a hearing in order to prevent the notice of civil penalty from becoming a final order by default.

- 2) *The Oregon Department of Forestry may choose not to participate in collaborative dispute resolution if it is believed after preliminary discussions with you and ODF district or Salem staff that a settlement is unlikely to be reached.* If ODF chooses not to participate in CDR, the Department will notify you. You then have the opportunity to schedule a hearing.

- 3) *If the Oregon Department of Forestry chooses to participate in collaborative dispute resolution, the Department may establish a deadline for concluding the process.* If that deadline is reached without a settlement, or if you or the Department decides to opt out of the process, a hearing can be scheduled if desired.

Requesting a Penalty Reduction (Mitigation)

You may request a reduction of the penalties (mitigation), either as part of your request for a hearing or as a separate issue.

Mitigation can be requested:

- 1) ***For Economic/Financial Reasons*** - If you want the Department of Forestry to consider your economic and financial condition, you must do so in a written request for mitigation. *The burden of presenting evidence of your economic and financial condition is on YOU.* Doing so is not an admission that the violation has occurred or that you are responsible for the violation.
- 2) ***Based on Repair Costs*** – You may request that the costs of the repairs ordered by the State Forester be considered in reducing your penalty. This request must be received in writing within 20 days from the date of service of the civil penalty (see #1 under “Requesting a Hearing”). You may present evidence of the costs without any prejudice to your claims regarding the violation or your responsibility.

Because of a desire to substitute a higher level of repair or to substitute a suitable restoration or enhancement project for all or part of the civil penalty – The Board of Forestry is interested in encouraging landowners and operators to mitigate the damage caused by violations of resource protection rules. This can be done by investing in enhancement of the resources protected by the Forest Practices Act. These resources include air quality, water, soil productivity, fish, wildlife and scenic resources.

The State Forester is authorized by the Board of Forestry to reduce your civil penalty in exchange for your commitment to perform one or more of the following resource enhancement projects:

- Planting a higher tree density per acre in a set timeline for a reforestation violation
- Reconstructing, relocating or vacating roads that present a higher risk to water quality than if they had been located and designed to current forest practice rule standards
- Restoring or enhancing upstream/downstream fish passage, including replacing crossing structures not designed to current forest practice rule standards

(Resource Enhancement Projects, con't.)

- Restoring or enhancing fish habitat by placing large woody debris or other structures in or adjacent to stream channels
- Retaining conifers adjacent to streams to supplement current forest practice rule requirements that are consistent with forest health considerations
- Restoring or enhancing habitat for threatened and endangered species or other wildlife habitat
- Restoring or enhancing the protection of salmonid production areas
- Controlling noxious weeds or exotic species
- Reducing the risk of catastrophic fire or insect and disease damage

In addition, you may also agree to donate all or an agreed-upon portion of the penalty to a local watershed council or other program that does resource enhancement projects.

(These mitigation projects may be discussed and agreed-upon during a collaborative dispute resolution process, as well.)

A request for mitigation must be made in writing to:

**State Forester
Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310**

The State Forester must receive the request for mitigation within 20 days from the date of service of the notice of civil penalty (see #1 under "Requesting a Hearing").

IMPORTANT: Even if you request a penalty reduction, you must also request a hearing or the notice of civil penalty will become final by default.

**If you have questions about these procedures, contact:
Private Forests Civil Penalties**

(503) 945-7368

ATTENDUM D

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EXHIBIT 10

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Amount of Civil Penalties
OAR 629-670-0210

Penalty Formula

- (1) The amount of civil penalty per violation shall be the lesser of \$5000 or the amount determined by the formula $\$B(C \times P) + (\$B \times D \times R)$ where:
- (a) \$B is a base fine established by type of violation in section (2) of this rule;
 - (b) C is cooperation;
 - (c) P is prior knowledge or prior violations;
 - (d) D is damage to protected resources; and
 - (e) R is the extent of damage that cannot be corrected, or prevented in the future, even though repairs are made.

Base Penalties

- (2) The base penalty value (\$B) shall be established as follows:
- (a) A base penalty of \$100 shall be applied to violations of a type where the operator fails to notify the State Forester of intent to operate or fails to submit a required written plan or obtain written approval of a plan for an alternate practice.
 - (b) A base penalty of \$250 shall be applied to:
 - (A) Violations of any rule or statute which requires or sets standards for accomplishing reforestation.
 - (B) Violations involving a failure to comply with the terms or conditions of any order of the State Forester issued in accordance with ORS 527.680.
 - (C) Violations of a type where the operator fails to comply with any term or condition of an approved plan for an alternate practice.
 - (D) Violations where the State Forester determines that an operator has intentionally failed to notify the State Forester of intent to operate, notwithstanding subsection (2)(a) of this rule.
 - (E) All other violations of forest practice rules or statutes not specifically described in section (2) of this rule.
 - (c) A base penalty of \$1000 shall be applied to violations of any rule or statute which sets a maximum size for harvesting operations.

Cooperation of the Operator

- (3) The cooperation value (C) shall be determined by the State Forester after reviewing whether the operator is taking all feasible steps or procedures necessary or appropriate to correct the violation for which the penalty is being assessed. The value shall be assigned as follows:
- (a) A value of 0.5 shall be assigned when, in the judgment of the State Forester, the operator takes substantial initiative to correct the damage or problem that led to the violation. Substantial initiative may include, but is not limited to, reporting the violation before it is discovered, initiating effective repairs without having to be directed, or making substantive changes in operating procedures designed to identify and avoid potential recurrences.
 - (b) A value of 1 shall be assigned when the operator cooperates in following the direction of the State Forester by immediately ceasing further violation and taking prompt action to repair damage or correct any unsatisfactory condition where deemed feasible by the State Forester.
 - (c) A value of 2 shall be assigned when the State Forester determines that the operator does not immediately cease further violation, is evasive upon attempts to make necessary communications, or neglects to take necessary and timely action to repair damage or correct any unsatisfactory condition.

Prior Knowledge of the Operator

- (4) The prior knowledge value (P) shall be determined by the State Forester after reviewing department records of citations, operation notification or operation inspections. A value from 0.5 through 10 shall be assigned as follows:
- (a) A value of 0.5 is appropriate when the operator has little or no prior knowledge of the Oregon Forest Practices Act but has cooperated in ceasing violation and correcting unsatisfactory conditions.
 - (b) A value of 1 is appropriate when the operator has general knowledge of the Oregon Forest Practices Act and rules, but has not had significant past experience with the practice in question, or has significant past experience with the practice, but the violation is determined by the State Forester to be inadvertent or accidental.
 - (c) A value of 2 is appropriate when the operator has had significant past experience with a practice or condition, or has had specific correspondence or conversation with department personnel about the required practices or actions involved in the violation, before the violation.
 - (d) A value of 4 is appropriate when the State Forester has issued a written statement of unsatisfactory condition to the operator for the violation and timely corrective action was not taken.

ATENDA ITEM D

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- (e) A value from 3 through 5 is appropriate when the operator has received citations for any other forest practice rule or statute within the past three years.
- (f) A value from 5 to 10 shall be assigned when the operator has been cited within the past three years for a violation of the same forest practice rule, statute, or condition; or in a case of failure to comply with an order to cease further violation, or order to repair damage, or order to correct an unsatisfactory condition (ORS 527.680(2)).

Damage Value

- (5) The damage value (D) shall be determined by the State Forester as a measure of extent or relative adverse effect of damage. The specific value applied shall be based on the pre-operation condition of the site, if known, the severity and extent of damage associated with the violation, and any potential economic gain to any involved operators. The damage value should be consistent with the policy of deterring future violations. A value from 0 through 20 shall be assigned. The following shall guide the State Forester's determination:
- (a) A value of zero shall be assigned when the violation has not resulted and will not result in resource damage.
 - (b) A value of 1 shall be assigned when the adverse effects of the violation left uncorrected are minor and the affected resources will naturally self-restore within one year. Example: Siltation from exposed soil flows into the upper reaches of a stream, but the site will naturally revegetate within the next growing season, preventing further siltation.
 - (c) A value from 2 to 5 shall be assigned when the damage from the violations left uncorrected is more serious than described in subsection (b) of this section, but the affected resources will self-restore naturally within five years. Examples: A small volume debris avalanche is caused by road construction material placed in an unstable location and the debris comes to rest in a fish-bearing or domestic use water; or logs are skidded across a stream without an adequate temporary crossing leaving ruts and disturbed soil areas that will flow muddy water directly into the stream.
 - (d) A value from 5 through 10 shall be assigned when the damage from the violation left uncorrected is major in relative effect, with natural self-restoration taking up to 10 years. A consideration in selecting a value from 5 to 10 may include, but is not limited to the size of the area affected. Examples: Failure to reforest five acres may be assigned no less than a 5, while failure to reforest 50 acres may be assigned a 10. Removal of understory vegetation along 500 feet of a small stream may be assigned a 10.
 - (e) A value from 5 through 20 shall be assigned when damage is the result of harvest or destruction of trees or snags required to be maintained; or when the damage from the violation left uncorrected is major in relative effect, with self-restoration taking more than 10 years. Example: Severe riparian management area soil disturbance, combined with the total harvest or destruction of what had been a fully stocked stand of trees required to be maintained, along more than 500 feet of a small stream may be assigned a factor of 20.

Repair Value

- (6) The repair value (R) shall be assigned by the State Forester as a measure of the relative extent of the damage that is corrected or prevented through timely corrective action. The value shall be set by the State Forester between 0 and 1, inclusive and expressed as a decimal. The decimal indicates the degree of damage that already occurred and future damage that cannot be prevented, even after the repairs are completed as directed in the repair order. Example: A tractor crossed a stream with no temporary structure, breaking the stream banks down, leaving exposed skid trails which eroded, creating turbidity, and leaving visible sediment in the stream. With no repairs, the stream bank and skid trails would revegetate in 4 years. The landowner performed all repairs as ordered, including mulching, placing rip-rap, and building waterbars. In the State Forester's judgement, compliance with the repair order will prevent all but 20% of the potential damage expected over the next 4 years. Therefore R equals 0.20. If repairs are not feasible or are not completed, R equals 1.0.

CERTIFICATE OF SERVICE

Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

I **HEREBY CERTIFY** that I have made service of copies of the foregoing Notices of Civil Penalty upon the following parties by causing them to be mailed in the United States Post Office at Salem, Oregon, on October 10, 2017, by United States Mail and Certified Mail, a true, exact and full copy thereof, enclosed in an envelope with postage thereon prepaid, addressed to:

Brad Reeser and Sarah Stark-Reeser

CERTIFIED MAIL & FIRST CLASS MAIL

Linda Price

Linda Price, Civil Penalty Specialist
Private Forests Program
(503) 945-7368

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

BRAD REESER and SARAH STARK-REESER

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BRAD REESER and SARAH STARK-REESER

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
enter delivery address below: ☐ No



9590 9403 0247 5155 6320 72

2. Article Number (Transfer from service label)

7016 1370 0000 7292 2777

PS Form 3811, April 2015 PSN 7530-02-000-9053

16-CN029

Domestic Return Receipt

ATENDA ITEM D

Attachment 4

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Phone NOTES OF
GREG WAGENBLAST

10/18/17 BRAD REESER

16-CN029

Divorced now. The co who he and wife were purchasing land from foreclosed on the property. His wife got the house in Divorce. Did not live there in 2016 and sold in early 2017. Should not have to do Reforestation on fire as was never notified. never recieved any of letters or citation etc. "1st time hearing of this" I don't know where she is WAS ANSWER TO QUESTION OF HOW TO CONTACT HIS ex-wife...

ATENDA ITEM D

Attachment 4

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EXHIBIT 118

Page 1 of 1

received OOF 10/24/17

Hello Mr. Wagenblast. I Brad Reeser received your citation regarding the replanting of my former property. Since the logging of the land Sarah Stark-Reeser and I have been divorced during which Mrs. Reeser was awarded said property. As of the beginning the year the house and property were foreclosed upon with someone else taking ownership. I Brad Reeser have not lived nor been at [REDACTED] in over 3 years. Receiving the citation is my first knowledge of the Forestry Department's attempts at contacting myself. I am more than willing to provide proof of what I have stated. If the information stated does not clear me of the obligation to pay the \$3,250 then I would like to request a hearing. Thank You very much for your time. Bradley C. Reeser

Brad Reeser

I do deny the claims.

10-19-17

ATENDA ITEM D

Attachment 4

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EXHIBIT

Page 1 of 4



Oregon

Kate Brown, Governor

Department of Forestry
State Forester's Office
2600 State Street
Salem, OR 97310-0340
503-945-7200
Fax 503-945-7212
www.oregon.gov/ODF

October 10, 2017

BRAD REESER and SARAH STARK-REESER
[REDACTED]

Certified and First Class Mail



Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

Mr. Reeser and Ms. Stark-Reeser:

On August 30, 2016, the Oregon Department of Forestry issued a citation to you for violation of the Forest Practices Act. Staff reviewed the citation and facts in this case and determined that a fine was appropriate as described in the enclosed notice of civil penalty. Please read the notice for the penalty amount and information about your rights to a hearing or collaborative dispute resolution. In addition, more detailed information on those rights is enclosed in a separate document.

This harvest unit is still required to be reforested and meet the free to grow requirement with 200 trees per acre as indicated in the repair order. If action is not taken on your part to establish trees or complete a land use change that is approved by the Oregon Department of Forestry, further action will be taken.

If you have any questions regarding this matter or the administration of civil penalties, please call this office at (503) 945-7382.

Sincerely,

Greg Wagenblast
Civil Penalty Administrator

C: Levi Hopkins, Stewardship Forester, Santiam Office

Enclosures

- (1) Notice of Civil Penalty
- (2) Formula for Determining Civil Penalties
- (3) How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation
- (4) Invoice

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EXHIBIT 119
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Oregon Department of Forestry
Unit 12
P.O. Box 4395
Portland, OR 97208-4395

Date: October 10, 2017

[REDACTED]

[illegible]

Page 3 of 4

AnyWho

Finding People, Places and Businesses

YELLOW PAGES

1 PEOPLE SEARCH

2 REVERSE PHONE LOOKUP



Find a Person

By Name | By Address | By Phone Number

First Name
Sara

Last Name
Stark

City, State or ZIP
WA

FIND

Information provided by Intelius.com.
Showing Page - 1 of all listings for Sara Stark in WA

Find more information from Intelius

Sara A Stark

Maps & Driving Directions

VIEW FULL PROFILE

Sarah J Stark

Maps & Driving Directions

VIEW FULL PROFILE

More information for Sara A Stark

Email and Other Phone Lookup

Get Detailed Background Information

Get Public Records

View Property & Area Information

Social Network Profile

More information for Sarah J Stark

Email and Other Phone Lookup

Get Detailed Background Information

Get Public Records

View Property & Area Information

Search For Anyone

First Name

M.I.

Last Name

City, State



Find it on



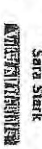
Get Address & Phone Number for Sara Stark

1. Sara L Stark 41
Kearney, VA

2. Sara A Stark 38
Oxnard, VA

3. Sara A Stark 41
Seattle, WA

3 Results Found For
Sara Stark



PHONE BACKGROUND CHECK MORE

BACKGROUND CHECK MORE

Sarah M.I. Reeser

WA Q

SARA L. REESER

Washington

We found Sarah Reeser
« Search Again (/background-check)
(/purchase2/background/eyJwcm9maWxlSWQlOilwNjg4OEVaUzA0SClsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOI

Sarah L Reeser,

Phone Number Available

Addresses Available (/purchase2/background/eyJwcm9maWxlSWQlOilwNjg4OEVaUzA0SClsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOI

Click Here to Get Your Report (/purchase2/background/eyJwcm9maWxlSWQlOilwNjg4OEVaUzA0SClsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOI

Address History Relatives



Intelius reports include some or all of the following:

- Full Name
- Age & Date of Birth
- Address
- Address History
- Phone Numbers
- Aliases
- Relatives
- Neighbors
- Email Address(es)
- Social Networks
- Property Records
- Marriage & Divorce
- Criminal Records
- Bankruptcies
- Liens
- Judgments
- Lawsuits

Get a Report on Sarah L Reeser

(/purchase2/background/eyJwcm9maWxlSWQlOilwNjg4OEVaUzA0SClsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOI

ATENDA ITEM D

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EXHIBIT

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Not the right person? Search again:

First Name

Sarah

M.I.

Middle Initial

Last Name required

Reeser

Current/Previous Address

[REDACTED]

City and/or State

[REDACTED]

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EXHIBIT H20
Page 3 of 22

AnyWho

Finding People, Places and Businesses



YELLOW PAGES

1 PEOPLE SEARCH

2 REVERSE PHONE LOOKUP

Find a Person

By Name | By Address | By Phone Number

First Name
Last Name
Sarah Reese

City, State or ZIP

FIND

Sarah Reese

PRINT

VIEW FULL PROFILE

Are you Sarah Reese? Remove Listing

Get Directions

Salem, OR

Found this? Remove

Clear All

GET DIRECTIONS

Information provided solely by Intelius

Find more information from Intelius

More information for Sarah Reese

1 Find all and Other Phone Listings
Find Sarah Reese's Email Address & Phone Number

2 Get Detailed Background Information
Run a Background Check on Sarah Reese

3 Verify Public Records
Does Sarah Reese have any court records?

4 View Property & Real Estate
What is this property worth?

5 View Social Network Profiles
Find Sarah Reese online personality

6 Get Company Address History
Find Sarah Reese address history

7 Get a full report on all of Intelius

12 listing



Sarah L Stark



View mobile info

ATENDA ITEM D

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Page 5 of 22



Current address

Oops! A map couldn't be rendered for this address.
SHOW MAP



Previous Locations

Philomath, OR

Corvallis, OR

Albany, OR

Stayton, OR

Show 2 more

View full addresses

More about Sarah L Stark

PREMIUM



Family members

Relatives of Sarah L Stark

View all relatives



Phone numbers

Mobile and landline info

View all phone numbers



Crime & Traffic

Records from legal databases

Continue to results



Previous addresses

Full address history

View addresses

ATENDA ITEM D

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Page 6 of 22



Background report for Sarah L Stark

PREMIUM

Sarah L Stark

OR

Public records

Sarah L Stark, OR

Sarah L Stark

OR

Criminal records

Sarah L Stark, OR

Sarah L Stark

OR

Bankruptcies & foreclosures

Sarah L Stark, OR

Sarah L Stark

OR

Property ownership info

Sarah L Stark, OR

Sarah L Stark

OR

Professional licenses & permits

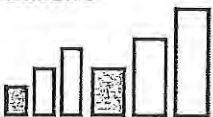
Sarah L Stark, OR

GET THEIR BACKGROUND REPORT

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Choose the Whitepages product that's right for you

BASIC



Whitepages

free info

ADVANCED



Premium

Details

IN-DEPTH



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Page 7 of 22

Background
Reports
Compare our products
Family & relatives



Luke Roderick Lowe



Jeremiah C Stark



Paul C Stark



Wesley Charles Reeser



Bethany Lara A Madden



Looking for a different Sarah?



Sarah G Stark



Junction City OR
Birth, Death, and Divorce Records for Sarah Stark
Sponsored by Ancestry.com



Sarah Stark
Albany, OR
1120 Birth Records



Sarah Stark
Albany, OR
103 Death Records



Sarah Stark
Albany, OR
4 Divorce Records

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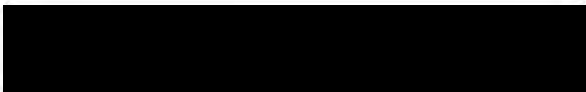
Wesley Charles Reeser



Phone numbers



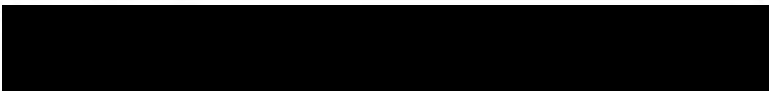
Landline



View mobile info



Current address



Oops! A map couldn't be rendered for this address.
SHOW MAP

ATENDA ITEM D

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Page 10 of 22



Previous Locations

Shedd, OR

Albany, OR

Stayton, OR

View full addresses

More about Wesley Charles Reeser

PREMIUM



Family members

Relatives of Wesley Charles Reeser

View all relatives



Phone numbers

Mobile and landline info

View all phone numbers



Crime & Traffic

Records from legal databases

Continue to results



Previous addresses

Full address history

View addresses



Background report for Wesley Charles Reeser

PREMIUM

Wesley Charles Reeser

OR

Public records

Wesley Charles Reeser, OR

Wesley Charles Reeser

OR

ATENDA ITEM D

Attachment 4

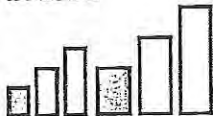
EXHIBIT PAGE 11 of 134

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Criminal records
Wesley Charles Reeser, OR
Wesley Charles Reeser
OR
Bankruptcies & foreclosures
Wesley Charles Reeser, OR
Wesley Charles Reeser
OR
Property ownership info
Wesley Charles Reeser, OR
Wesley Charles Reeser
OR
Professional licenses & permits
Wesley Charles Reeser, OR
GET THEIR BACKGROUND REPORT

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Details
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Family & relatives



Bradley C Reeser



Julie Mae Reeser



Tiffany Mae Reeser



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Page 12 of 22

+7

Show more people

Looking for a different Wesley?



Wesley J Reeser

Albany OR

Birth, Death, and Divorce Records for Wesley Reeser

Sponsored by Ancestry.com



Wesley Reeser

Sweet Home, OR

3 Birth Records



Wesley Reeser

Sweet Home, OR

2 Death Records



Wesley Reeser

Sweet Home, OR

1 Divorce Records

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[← Back to results](#) Tree Save

Related

Full Name Sarah Lea Stark

 AdChoices

Oregon Obituary

History Oregon

Legal Education

Family Tree Oregon

Associated Names ?

Sarah Lea Elva April Reeser

Possible Relatives ?**Name****Age****Birth Year**

Luke Roderick Lowe

Benjamin W Stark

Bethany L Madden

Bethany Lara A Stark

Bradley C Reeser

Cathy S Drewery

Charlene E Duncan

Christer G Stark

Dorinda A Herget

Jennifer Fe Stark

Jeremiah C Stark

Karen L Stark

Teresa L Gonzalez

Wesley C Reeser

Benjamin B Stark Jr

Paul L Stark

Tamra S Stark

Julie M Reeser

Tiffany M Reeser

ATEM ITEM D
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Full Background Report

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- Criminal Records Data
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- Complete Background Check

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Possible Associates ?

Name

Age

Birth Year

David R Duncan Jr

Jebadiah A McLeod

Shanen Pruitt

Timothy A McKamey

Agustin H Gonzalez

Alisa K Beach

Ann L Lowe

Brian R Duncan

Daniel K Drewery

Darci Duncan

David D Adams

Deanne D Adams

Dennis B Adams

Jacob Duncan

Jacqui Studleyadams

James D Madden

Jared D Herget

Jennifer Hill

Matthew F Lowe

Miranda Duncan

Raquel D Gonzalez

Roderick W Lowe

Ruth E Hoffay

Ryan Matthew Onealreaser

Tami M Kjerulf

Thomas J Duncan

Twyla A Gonzalez

Willard L Duncan

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Arrest Records:

2 Secrets

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Find Addresses, Phone
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EXHIBIT 180 Page 80 of 134

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[REDACTED]

Current Address

[REDACTED]

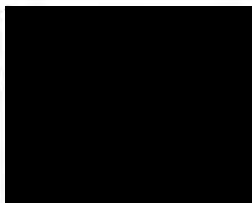
[REDACTED]

[REDACTED]

ATENDA ITEM D

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Phone Numbers ?



Landline

Landline

Landline

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- Birth & Death Records
- Police Records
- Search Warrants
- Criminal Records Data
- Property Records
- Bankruptcies, Judgments, Liens
- Complete Background Check

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PHONE BACKGROUND CHECK MORE

BACKGROUND CHECK MORE

Sarah

M.I.

Stark

City, State



We found Sarah Stark

« Search Again (/background-check)

(/purchase2/background/eyJwcm9maWxlSWQlOillwNiBTSzU3VIYyNSlsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOIjI;

Phone Numbers Available

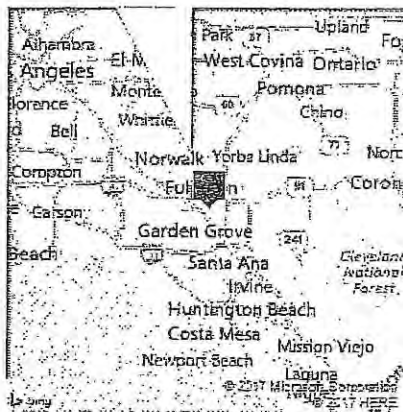
Addresses Available (/purchase2/background/eyJwcm9maWxlSWQlOillwNiBTSzU3VIYyNSlsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOIjI;

Click Here to Get Your Report (/purchase2/background/eyJwcm9maWxlSWQlOillwNiBTSzU3VIYyNSlsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOIjI;

Address History

Aliases

Relatives



Intelius reports include some or all of the following:

- Full Name
- Age & Date of Birth
- Address
- Address History
- Phone Numbers
- Aliases
- Relatives
- Neighbors
- Email Address(es)
- Social Networks
- Property Records
- Marriage & Divorce
- Criminal Records
- Bankruptcies
- Liens
- Judgments
- Lawsuits

ATENDA ITEM D

Get a Report on Sarah C Stark

(/purchase2/background/eyJwcm9maWxlSWQlOillwNiBTSzU3VIYyNSlsmZpcnN0TmFtZSI6InNhcmFoliwibGFzdE5hbWUOIjI;

Attachment 4

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EXHIBIT

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Not the right person? Search again:

First Name

Sarah

M.I.

Middle Initial

Last Name required

Stark

Current/Previous Address



City and/or State

City, State

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Sarah L Reeser

CONTACT INFO AVAILABLE



Current address



4 phone numbers



15 previous addresses



21 family members

BACKGROUND INFO AVAILABLE



1 criminal record



0 traffic records



0 properties



2 financial records

UNLOCK THESE DETAILS

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EXHIBIT

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Item 4 if Res

Print your name and so that we can return this card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Sarah L. Stark

B. Received by (Printed Name) C. Date of Delivery, ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number 7016 1370 0000 7292 7208

Form 3811, July 2013

Domestic Return Receipt 16-CN029

From: STATE OF OREGON

DEPARTMENT OF FORESTRY

2600 State Street, Salem, Oregon 97310

Sarah L. Stark

NIXIE

973225049-1N

11/28/17

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

CONTENTS MERCH/
Postmaster: This parcel may be opened for

ATENDA ITEM D

Attachment 4

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EXHIBIT 121

Page 1 of 2

7016 1370 0000 7292 7208

ZIP 97301 00140
C2 1W
000139

Not @
this
credit

From: STATE OF OREGON
DEPARTMENT OF FORESTRY
2600 State Street, Salem, Oregon 97310

Sarah L. Stark

12/05/17

973225025-IN

NIXIE

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO SENDER
RETURN

CONTENTS MERCHANDISE
Postmaster: This parcel may be opened for postal ins

DU0127N332024-00629

ATENDA ITEM D

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Page 2 of 2

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

NICHOLAS J. HENNEMANN, as TRUSTEE,
Of TRUST DEED,

Plaintiff,

v.

BRADLEY C. REESER and SARAH L.
REESER,

Defendants.

No. 17CV11327

NOTICE OF TERMINATION
OF ATTORNEY-CLIENT
RELATIONSHIP DUE TO
CONCLUSION OF PENDING
MATTERS

COMES NOW Larry W. Stuber, attorney for Defendant Bradley C. Reeser, and represents that the above-entitled matter has been brought to its conclusion and as such the attorney-client relationship regarding this matter has been terminated. Please take notice that effective this date, any further communications regarding this matter should be sent directly to Defendant Bradley C. Reeser, [REDACTED]

Dated: December 29, 2017.

RINGO, STUBER, ENSOR & HADLOCK, P.C.
Attorneys for Defendant Bradley C. Reeser

By

LARRY W. STUBER, OSB #783910

e-mail address: stuber@ringostuber.com

EXHIBIT A22
ATENDA ITEM D
Page 1 of 3
Attachment 4

Page

1 -

NOTICE OF TERMINATION OF ATTORNEY-CLIENT RELATIONSHIP DUE TO
CONCLUSION OF PENDING MATTERS

Reeser and Reeser

Page 88 of 134

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2017, I served a true, exact, and full copy of the foregoing NOTICE OF TERMINATION OF ATTORNEY-CLIENT RELATIONSHIP DUE TO CONCLUSION OF PENDING MATTERS on Plaintiff and Defendants as follows:

Stephen L. Tabor

[REDACTED]

Email: [REDACTED]

Sarah L. Reeser

[REDACTED]

and

Sarah L. Reeser

[REDACTED]

Email: [REDACTED]

Bradley C. Reeser

[REDACTED]

by one or more of the following indicated method or methods:

- X **REGULAR MAIL:** By placing copies of the document(s) in a sealed envelope and causing such envelope to be deposited in the United States Post Office at Corvallis, Oregon.
- X **ELECTRONIC MAIL:** By courtesy email to the attorney(s) at the email address(es) given above.

DATED: December 28, 2017.

RINGO, STUBER, ENSOR, HADLOCK & SMITH, PC
Attorney for Defendant Bradley C. Reeser



LARRY W. STUBER, OSB #783910
Email: [REDACTED]

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Verified Correct Copy of Original 5/15/2017

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

FILED MAY 15 2017

NICHOLAS HENNEMANN as TRUSTEE
of TRUST DEED Plaintiff,
VS.
BRADLEY C. REESER and SARAH
L. REESER Defendant(s),

CASE NO. 17CV11327
ANSWER DEFENDANT SARAH L.
REESER'S ANSWER TO COMPLAINT
and COUNTERCLAIMS

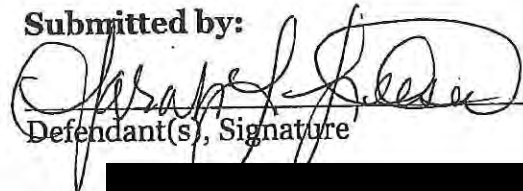
Comes now, DEFENDANT SARAH L. REESER and hereby enters her/my
appearance and response to Plaintiff's COMPLAINT and INTERPLEADER as
follows: DEFENDANT SARAH L. REESER ADMITS PARAGRAPHS 1, 2, 3, 4,
5, 6, 7, 8 and 9.

IN RESPONSE TO/ANSWER BRADLEY C. REESER'S COUNTERCLAIMS AGAINST
DEFENDANT SARAH L. REESER I ADMIT THE FOLLOWING AND DENY THE
FOLLOWING: PARAGRAPHS: 2, 3; LINES 9, 8, 4; 13, 14, PARAGRAPH 5
I ADMIT (S) PARAGRAPHS 3; LINES 1, 10, PARAGRAPH 4; LINES 15, 16 PARAGRAPHS
1, 2 and 7

Certificate of Document Preparation. You are required to truthfully complete this
certificate regarding the document you are filing with the court. Check all boxes and complete
all blanks that apply:

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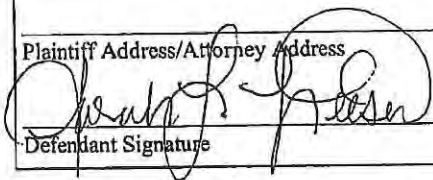
Submitted by:


Defendant(s), Signature

SARAH L. REESER 5/15/17
Print Name Date
MY cell #:

Contact Address City, State, Zip

Contact Telephone

*****CERTIFICATE OF SERVICE*****
I certify that on May 15, 2017, I placed a true and exact copy of this
Answer & Response to Counterclaims in the United States Postal Service mail addressed to:
Nicholas J. Henneman,
Larry W. Stuber
Plaintiff/Attorney Name
Plaintiff Address/Attorney Address
City/Zip/State
 SARAH L. REESER
Defendant Signature /Print name

ATTEND A ITEM D
Attachment 4
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I certify that this is a true copy:
Defendant(s), Signature

EXHIBIT A22
Page 3 of 3

February 13, 2018

Sarah Stark
[REDACTED]

Re: Civil Penalty for Forest Practices Case Number 16-CN029

Dear Ms. Stark:

A Notice of Civil Penalty; Findings of Fact, Proposed and Final Order was sent to you on January 10, 2018 by certified and first class mail, setting the final date to request a hearing with the Oregon Department of Forestry (ODF) as January 30, 2018. On January 25, 2018, ODF received confirmation that these notices were received at your residence. You failed to request a hearing in the time allotted; therefore, in accordance with OAR 137-003-0075(1)(a), that failure is deemed a default. The proposed order mailed by the Department of Forestry on January 10, 2018 is entered upon a prima facie case made on the record of the agency.

If you feel that there are valid reasons why you could neither schedule the hearing, nor respond in a timely manner to schedule, you may petition for reconsideration or rehearing. Pursuant to OAR 137-003-0080, the petition must be filed with the agency within 60 calendar days after the order is served. Date of service is the date mailed or the date the order was personally served. A copy of the rule regarding reconsideration is enclosed.

In the meantime, the default final order and a copy of the invoice for \$3,250.00 are enclosed. If you do not intend to request reconsideration, payment is due in 10 days and should be made to the address on the invoice. If you need to arrange payment terms, call the Civil Penalty Administrator at 503-945-7387. The agency will begin formal collection procedures if, after 60 days, it is determined that you have not requested either judicial review or reconsideration. Formal collection procedures can include referral to a collection agency.

If you have any questions, please call me at (503) 945-7387.

Sincerely,



Greg Wagenblast
Civil Penalty Administrator

Enclosures

cc: Joe Arbow, Stewardship Forester, Santiam Office

ATENDA ITEM D

EXHIBIT Attachment 4
Page 9 of 134

Page 1 of 4

Before the State Forester
of the State of Oregon

Final Order by Default

In the Matter of the Imposition of
a Civil Penalty Against:
Sarah Stark, an Individual

)
)
)

FINDINGS OF FACT;
FINAL ORDER
Case No. 16-CN029

TO: SARAH STARK

On January 10, 2018, the board properly served notice on Sarah Stark, that it intended to issue a civil penalty in the amount of \$3,250.00 for violation of OAR 629-610-0040(3). The Notice offered Sarah Stark an opportunity for hearing, if requested within 21 days of service of the Notice. The Notice designated the relevant portions of the board's file on this matter, including all materials submitted by Sarah Stark, as the record for purposes of default. Sarah Stark failed to request a hearing.

NOW THEREFORE, after consideration of the relevant portions of the board's file relating to this matter, the board enters the following Order.

FINDINGS OF FACT

- 1) On February 22, 2013, a notification (No. 2013-582-00077) was filed with ODF for a clearcut/shelterwood harvest on land owned by Brad Reeser and Sarah Stark-Reeser, located at [REDACTED]
- 2) Subsequent to completion of the operation, Mr. Arbow mailed a courtesy letter (not dated) to the landowners stating that tree planting should be completed by April 30, 2016.
- 3) On April 29th, 2016, Mr. Arbow called the landowners at the phone number on the notification, but no one answered.
- 4) On June 2, 2016, Mr. Arbow called the phone number listed on the notification again and realized it was a wrong number. After looking in the phone book, Mr. Arbow called another phone number listed for Brad Reeser and Sarah Stark-Reeser. Again no one answered the phone call and a message could not be left.
- 5) On June 16, 2016, Mr. Arbow mailed a letter to the landowner to set up a time to meet and talk with them about the reforestation obligation.
- 6) On June 27 2016 and again on July 1, 2016, Mr. Arbow visited the site. Since the driveway had a gate that was closed on both dates, he could not access the property. Instead, he took photos from the highway right of way and neighboring property. He found no evidence of trees planted or any brush control.
- 7) On July 19, 2016, Mr. Arbow issued a citation and repair order and mailed them to Brad Reeser and Sarah Stark-Reeser. Repairs (site prep and planting) must be completed by May 1, 2017. Linn County has been notified that trees have not been replanted.

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Attachment 4

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EXHIBIT

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- 8) On August 30, 2016, Mr. Arbow reissued the citation and repair order to correct the year from 2019 to 2016 and mailed them again to Brad Reeser and Sarah Stark-Reeser. Repairs are still due to be completed by May 1, 2017.
- 9) On May 19, 2017, Levi Hopkins, ODF Stewardship Forester, reported that he visited the site and has determined that the unit has not been planted, the house is empty and the property may be for sale or sold. Also, the Reesers have not sent documentation of a land use change.
- 10) Regarding their level of cooperation, Mr. Arbow has reported that Brad Reeser and Sarah Stark-Reeser have been evasive and have neglected to take necessary and timely action to repair damage. Mr. Arbow also reported that he has called Brad Reeser and Sarah Stark-Reeser several times but no one answers the phone.
- 11) Regarding prior knowledge, Mr. Arbow has reported that there has been no change in ownership since the notification and harvest. Also, Brad Reeser and Sarah Stark-Reeser have been sent correspondence from ODF about the required practices involved in the violation, before the violation. Finally, repairs were not done.
- 12) As of June 1, 2017, Mr. Arbow and Mr. Hopkins have not heard from Brad Reeser or from Sarah Stark-Reeser.
- 13) On January 10, 2018, A Notice of Civil Penalty; Findings of Fact, Proposed and Final Order was sent by certified mail to Sarah Stark.
- 14) On January 25, 2018, the Oregon Department of Forestry received confirmation in the form of a certified mail receipt that the Notice of Civil Penalty; Findings of Fact, Proposed and Final Order were signed for and received at the address for Ms. Stark.
- 15) On January 30, 2018, a request for a hearing regarding case number 16-CN029 was due. Oregon Department of Forestry did not receive a request for a hearing from Ms. Stark between January 10, 2018 and January 30, 2018.
- 16) Due to Ms. Stark's failure to request a hearing within the time allowed to make a request, on January 31, 2018 the Proposed and Final Order entered into a Final Order by Default.

ULTIMATE FINDING OF FACT

Ms. Stark failed to replant the operation site as required under OAR 629-610-0040(3) and a Notification of Violation/Citation and Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition was issued to Ms. Stark on August 30, 2016. On January 10, 2018, a notice of Civil Penalty was issued to Ms. Stark providing opportunity for Ms. Stark to request a hearing. Ms. Stark failed to request a hearing.

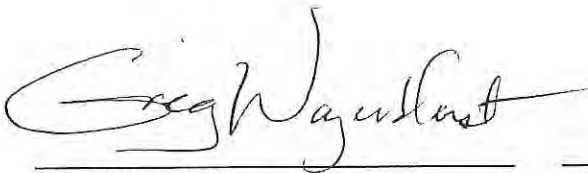
CONCLUSIONS OF LAW

OAR 137-003-0075 permits the State Forester to issue a final order by default when the agency gave a party an opportunity to request a hearing and the party failed to request a hearing within the time allowed to make a request.

Ms. Stark failed to request a hearing in regard to the assessment of Civil Penalties for Case Number: 16-CN029. In failing to request a hearing, the Notice of Civil Penalty issued to Ms. Stark enters into a Final Order by Default.

ORDER

Ms. Stark is ordered to pay Civil Penalties in the amount of **\$3,250.00**.



Greg Wagenblast
Civil Penalty Administrator,
for:

2/13/18

February 13, 2018

Peter Daugherty,
STATE FORESTER

Notice: Civil penalty amounts are established in Oregon Administrative Rule 629-670-0210. If unpaired, civil penalties may be recorded and filed with county clerks as liens against property 10 days after the expiration of the statutory appeals period. If you have any questions about payment or wish to make payment arrangements, please call the Oregon Department of Forestry's Civil Penalties Administrator at 503-945-7382.

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of this order. Tape recordings of Administrative Hearings are retained 90 days after the date of the final order.

BRAD REESER NOTE - Phone Contact *GR*

Called - msg 2/13/18 @ 5:15pm

Called - msg 2/14/18 @ 3pm

Called 2/15/18 @ 10:17am ^(15mins)

Mr. Reeser Answered phone. Made request for ext of waive 180 days. Explained delay due to tracking his ex wife down, explained option rescind or waive. He agreed to waive 180. Asked to send email or Hard Copy Mail for Record. Agreed to email & took Greg's email address.

ATENDA ITEM D

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WAGENBLAST Greg * ODF

n: WAGENBLAST Greg * ODF
Sent: Tuesday, February 20, 2018 10:12 AM
To: [REDACTED]
Cc: WAGENBLAST Greg * ODF
Subject: RE: Brad Reeser
Importance: High

Mr. Reeser,

Thank you for discussing your Civil Penalties case and timelines with me on the phone Thursday February 15, 2018. I appreciate your willingness to waive the timeline for the case as you agreed to on the phone. I understand you are now interested in clarifying the various options with this case and the timeline.

On September 19, 2017 the initial Civil Penalty notice for ODF Case# 16-CN029 was mailed via Certified mail with the USPS to the address of record on the notification for harvesting [REDACTED]. This notice was returned as no individual signed for it.

On October 10, 2017 the Civil Penalty notice for ODF Case# 16-CN029 was mailed via Certified mail with the USPS to a new address that the agency located listing you as a resident at [REDACTED] 97322. A return receipt was returned to the agency with your signature indicating you had received the notice. You then contacted the Civil Penalty administrator to discuss the notice. During this conversation you asked about having the Civil penalty dropped based on your divorce. You also indicated that if it was not dropped you would request a hearing. I asked several times during the phone call if you could provide me the address for your ex-wife, of which you would not.

On October 10, 2017 after the phone call, the agency then began researching addresses for Sarah Stark-Reeser.

On October 24, 2017 the agency received a letter from you requesting that the case be dropped and if it wasn't dropped, that a hearing be held. In order for the agency to hold the appropriate hearing where an ALJ could hear both sides of the case from you and Sarah Stark-Reeser, the hearing request was held pending additional attempts to locate Sarah Stark-Reeser.

On January 10, 2018 the agency sent a certified mailing through the USPS to Sarah Stark-Reeser. The certified receipt was returned, indicating that the letter was received, after several unsuccessful attempts by the agency in mailing her notice to several addresses in Oregon and Washington. Time was allowed for her response and request for a hearing, which has passed.

Based on timelines for holding the hearing (no sooner than 45 days from issue of the notice and no later than 180 days) and timelines for scheduling the hearing with the Oregon Office of Administrative Hearing (OAH), the agency has asked for your agreement to waive the timeline and allow the hearing to be scheduled with OAH as soon as possible but allow flexibility in case the schedule is not open until after the 180 day timeline. If you are unable to waive the timeline, the Agency will then consider rescinding the Civil Penalty Notice and reissue a new Civil Penalty Notice to you so that the hearing can be conducted within the required timelines.

Based on our phone conversation, my understanding is that we have reached an agreement to waive the timelines for a contested hearing and we can remain flexible with our scheduling of the hearing. If my understanding is incorrect, please let me know no later than Noon on Thursday February 22, 2018.

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Page 1 of 2

Thank you

Greg Wagenblast
Policy Analyst/Civil Penalties Administrator
Oregon Department of Forestry
Private Forest Division
2600 State Street, Bldg D
Salem, OR 97310
Office (503)945-7382
greg.wagenblast@oregon.gov

From: [REDACTED]
Sent: Thursday, February 15, 2018 2:41 PM
To: WAGENBLAST Greg * ODF <Greg.WAGENBLAST@oregon.gov>
Subject: Brad Reeser

Mr. Wagenblast after some thought i believe it would be in my benefit to get what we spoke of in writing. I would appritiat knowing more in detail what you and the department of justice disscused. Just covering my bases. Thank you

Sent from my LG V20, an AT&T 4G LTE smartphone

EXHIBIT 125 ATTENDA ITEM D
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WAGENBLAST Greg * ODF

m: [REDACTED]
Sent: Tuesday, February 20, 2018 2:30 PM
To: WAGENBLAST Greg * ODF
Subject: Re: Brad Reeser

Importance: High

Hello Mr. Wagenblast. In my recent conversation with you i was asked if i would wave the deadline and if so to send you a email stating such. I Brad Reeser do not agree to doing so until i have in writing what you and i disscused along with what you and the department of justice spoke of. After being satisfied with what i recieve only then will i agree to your proposal. Thank you

Sent from my LG V20, an AT&T 4G LTE smartphone

----- Original message-----
From: WAGENBLAST Greg * ODF
Date: Tue, Feb 20, 2018 10:12 AM
To: [REDACTED]
Cc: WAGENBLAST Greg * ODF;
Subject: RE: Brad Reeser

Mr. Reeser,

Thank you for discussing your Civil Penalties case and timelines with me on the phone Thursday February 15, 2018. I appreciate your willingness to waive the timeline for the case as you agreed to on the phone. I understand you are now interested in clarifying the various options with this case and the timeline.

On September 19, 2017 the initial Civil Penalty notice for ODF Case# 16-CN029 was mailed via Certified mail with the USPS to the address of record on the notification for harvesting [REDACTED]
This notice was returned as no individual signed for it.

On October 10, 2017 the Civil Penalty notice for ODF Case# 16-CN029 was mailed via Certified mail with the USPS to a new address that the agency located listing you as a resident at [REDACTED]
[REDACTED] A return receipt was returned to the agency with your signature indicating you had received the notice. You then contacted the Civil Penalty administrator to discuss the notice. During this conversation you asked about having the Civil Penalty dropped based on your divorce. You also indicated that if it was not dropped you would request a hearing. I asked several times during the phone call if you could provide me the address for your ex-wife, of which you would not.

On October 10, 2017 after the phone call, the agency then began researching addresses for [REDACTED] and [REDACTED] D

Attachment 4

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On October 24, 2017 the agency received a letter from you requesting that the case be dropped and if it wasn't dropped, that a hearing be held. In order for the agency to hold the appropriate hearing where an ALJ could hear both sides of the case from you and Sarah Stark-Reeser, the hearing request was held pending additional attempts to locate Sarah Stark-Reeser.

On January 10, 2018 the agency sent a certified mailing through the USPS to Sarah Stark-Reeser. The certified receipt was returned, indicating that the letter was received, after several unsuccessful attempts by the agency in mailing her notice to several addresses in Oregon and Washington. Time was allowed for her response and request for a hearing, which has passed.

Based on timelines for holding the hearing (no sooner than 45 days from issue of the notice and no later than 180 days) and timelines for scheduling the hearing with the Oregon Office of Administrative Hearing (OAH), the agency has asked for your agreement to waive the timeline and allow the hearing to be scheduled with OAH as soon as possible but allow flexibility in case the schedule is not open until after the 180 day timeline. If you are unable to waive the timeline, the Agency will then consider rescinding the Civil Penalty Notice and reissue a new Civil Penalty Notice to you so that the hearing can be conducted within the required timelines.

Based on our phone conversation, my understanding is that we have reached an agreement to waive the timelines for a contested hearing and we can remain flexible with our scheduling of the hearing. If my understanding is incorrect, please let me know no later than Noon on Thursday February 22, 2018.

Thank you

Greg Wagenblast

Policy Analyst/Civil Penalties Administrator

Oregon Department of Forestry

Private Forest Division

2600 State Street, Bldg D

Salem, OR 97310

Office (503)945-7382

g.wagenblast@oregon.gov

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From: [REDACTED]
Sent: Thursday, February 15, 2018 2:41 PM
To: WAGENBLAST Greg * ODF <greg.wagenblast@oregon.gov>
Subject: Brad Reeser

Mr. Wagenblast after some thought i belivev it would be in my benefit to get what we spoke of in writing. I would appritiat knowing more in detail what you and the department of justice disscused. Just covering my bases. Thank you

Sent from my LG V20, an AT&T 4G LTE smartphone

ATENDA ITEM D
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March 2, 2018

FIRST CLASS & CERTIFIED MAIL

Mr. Brad Reeser
[REDACTED]

Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

On October 10, 2017, the Agency served you with the above-mentioned Notice of Civil Penalty for a Forest Practices Reforestation Violation, Case 16-CN029. The Agency is hereby rescinding the October 10, 2017 notice as to you, Brad Reeser. The Agency is issuing a new Notice of Civil Penalty with the same allegations as previously made, in order to re-start the timeline for conducting a contested hearing on this matter.

After issuing the Civil Penalty notice on October 10, 2017, you notified the agency that you were requesting a hearing and that you are no longer married to Sarah Stark-Reeser and that she did not reside with you at the [REDACTED]. You then refused to provide the Agency with any information that could be used to determine her current address. The Agency spent significant time and made multiple attempts to locate Sarah Stark-Reeser in order to provide her with a copy of the Civil Penalty Notice. Since the factual allegations against you and Ms. Stark-Reeser are essentially identical, the Agency believed it would be the best use of everyone's resources to wait until Ms. Stark-Reeser had been served before proceeding with a hearing process on your request. The Agency elected to wait until both you and Ms. Stark-Reeser had been located and served with the anticipation that you both may contest the Civil Penalty notice and both requests could be combined into a single hearing for consideration by one Administrative Law Judge. The Agency was finally able to locate and serve Ms. Stark-Reeser. She did not request a hearing and a Final Order by Default will be entered against her on this matter. However, the result of this delay is that it is no longer practical to conduct a hearing on your request within 180 days after issuance of the notice. Therefore, the Agency is rescinding the notice dated October 10, 2017 as it pertains to you, Brad Reeser. A new Civil Penalty notice for Brad Reeser is included with this letter. The new Civil Penalty notice will initiate the process and hearing timeline.

Please read the notice for the penalty amount and information about your rights to a hearing or collaborative dispute resolution. In addition, more detailed information on those rights is enclosed.

ATTEND A ITEM D
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in a separate document. Since this is a new Notice, you will need to request a hearing on this Notice, if you wish to challenge the civil penalty.

If you have any questions regarding this matter or the administration of civil penalties, please call this office at (503) 945 7382.

Sincerely,

A handwritten signature in black ink that reads "Greg Wagenblast". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Greg Wagenblast
Civil Penalty Administrator

C: Levi Hopkins, Stewardship Forester, Santiam Office

Enclosures
Notice of Civil Penalty
Formula for Determining Civil Penalties
How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation
Invoice

ATENDA ITEM D

Attachment 4
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**State of Oregon
Department of Forestry on behalf of the
Board of Forestry**

In the matter of violation	)	Notice of Civil Penalty;
of the Forest Practices Act,	)	Findings of Fact; Proposed
OAR 629-610-0040(3)	)	and Final Order;
by Brad Reeser	)	Case No. 16-CN029

TO: BRAD REESER

I. APPLICABLE LAW

Oregon Revised Statute (ORS) 527.610 requires anyone who conducts forest operations¹ or who owns forestland to conform to the Forest Practices Act and Oregon Administrative Rules (OAR). A person who fails to follow the statute and rules is subject to a civil penalty as provided by ORS 527.683 through .687 and 527.992.

The Oregon Board of Forestry considers that you have violated the Forest Practices Act and OAR 629-610-0040, Time Allowed For Reforestation, which states in relevant part:

(3) The landowner² shall complete planting or seeding within 24 months unless a plan for an alternate practice³ for natural reforestation has been approved by the State Forester⁴.

II. FINDINGS OF FACT

On or about July 19, 2016, Joe Arbow, Oregon Department of Forestry (ODF), Stewardship Forester discovered that Brad Reeser failed to complete planting harvest units with acceptable species within 24 months after completion of an operation that reduced stocking to a level that required reforestation, according to OAR 629-610-0020⁵. This violation occurred on 3 acres of forestland⁶, located in Section [REDACTED] Township [REDACTED] South, Range [REDACTED] East of the Willamette Meridian, in Linn County. The findings of fact that support the determination to issue a civil penalty are set out below:

1. On February 22, 2013, a notification (No. 2013-582-00077) was filed with ODF for a clearcut/shelterwood harvest on land owned by Brad Reeser and Sarah Stark-Reeser, located at [REDACTED]

2. Subsequent to completion of the operation, Mr. Arbow mailed a courtesy letter (not dated) to the landowners stating that tree planting should be completed by April 30, 2016.

¹ See ORS 527.620(12) – Definition of “Operation”

² See ORS 527.620(11) – Definition of “Landowner”

³ See 2014 edition of OAR 629-600-0100(57) – Definition of “Plan for alternate practice; OAR 629-605-0173, Plans for Alternate Practice Attachment 4

⁴ See OAR 527.620(15) – Definition of “State Forester”

⁵ Division 610 of Chapter 629, Department of Forestry, are referred to as the Forest Practices Reforestation Rules, 2014 edition.

⁶ See 2014 edition of OAR 629-600-0100(26) – Definition of “Forestland”

3. On April 29th, 2016, Mr. Arbow called the landowners at the phone number on the notification, but no one answered.
4. On June 2, 2016, Mr. Arbow called the phone number listed on the notification again and realized it was a wrong number. After looking in the phone book, Mr. Arbow called another phone number listed for Brad Reeser and Sarah Stark-Reeser. Again no one answered the phone call and a message could not be left.
5. On June 16, 2016, Mr. Arbow mailed a letter to the landowner to set up a time to meet and talk with them about the reforestation obligation.
6. On June 27 2016 and again on July 1, 2016, Mr. Arbow visited the site. Since the driveway had a gate, that was closed on both dates, he could not access the property. Instead, he took photos from the highway right of way and neighboring property. He found no evidence of trees planted or any brush control.
7. On July 19, 2016, Mr. Arbow issued a citation and repair order and mailed them to Brad Reeser and Sarah Stark-Reeser. Repairs (site prep and planting) must be completed by May 1, 2017. Linn County has been notified that trees have not been replanted.
8. On August 30, 2016, Mr. Arbow reissued the citation and repair order to correct the year from 2019 to 2016 and mailed them again to Brad Reeser and Sarah Stark-Reeser. Repairs are still due to be completed by May 1, 2017.
9. On May 19, 2017, Levi Hopkins, ODF Stewardship Forester, reported that he visited the site and has determined that the unit has not been planted, the house is empty and the property may be for sale or sold. Also, the Reesers have not sent documentation of a land use change.
10. Regarding their level of cooperation, Mr. Arbow has reported that Brad Reeser and Sarah Stark-Reeser have been evasive and have neglected to take necessary and timely action to repair damage. Mr. Arbow also reported that he has called Brad Reeser and Sarah Stark-Reeser several times but no one answers the phone.
11. Regarding prior knowledge, Mr. Arbow has reported that there has been no change in ownership since the notification and harvest. Also, Brad Reeser and Sarah Stark-Reeser have been sent correspondence from ODF about the required practices involved in the violation, before the violation. Finally, repairs were not done.
12. As of June 1, 2017, Mr. Arbow and Mr. Hopkins have not heard from Brad Reeser or from Sarah Stark-Reeser.

III. NOTICE OF CIVIL PENALTY; ORDER

Brad Reeser is ordered to pay a civil penalty in the amount of **\$3,250.00**. This penalty is calculated using a formula set out in OAR 629-670-0210 (enclosed). The formula is $\$B(C \times P) + (\$B \times D \times R)$, where:

1. The base penalty value (\$B) is **\$250.00** for violation of OAR 629-610-0040(3). See Page 104 of 134 OAR 629-670-0210(2)(b)(A) and (B).

2. The cooperation value (C) is 2 because Brad Reeser failed to take necessary and timely action to repair damage or correct any unsatisfactory condition. See OAR 629-670-0210(3)(c).
3. The prior knowledge value (P) is 5 because Brad Reeser failed to comply with an order to repair damage or correct an unsatisfactory condition. See OAR 629-670-0210(4)(f).
4. The damage value (D) is 3 because the State Forester has determined that damage to 3 acres of affected resources is more serious with self-restoration taking up to 5 years. See OAR 629-670-0210(5)(c).
5. The repair value (R) (extent of damage that cannot be corrected or prevented in the future) is 1.0 because the State Forester has determined that **none** of the actual and potential damage has been repaired, avoided, or mitigated. See OAR 629-670-0210(6).

$$\$250(2 \times 5) + (\$250 \times 3 \times 1) = \$3,250.00 \text{ Total Due}$$

IV. RIGHT TO A HEARING; NOTICE FOR ACTIVE DUTY SERVICEMEMBERS

You are entitled to a hearing as provided by the Forest Practices Act and the Administrative Procedure Act (chapter 183, Oregon Revised Statutes). If you want a hearing, you must file a written request for hearing, directed to:

State Forester
2600 State Street
Salem, Oregon, 97310
Attn: Civil Penalty Administrator

Your request must be received within 20 days of the date this notice was mailed as defined in "How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation" (enclosed). You must also file admissions, denials, claims and defenses, either with the request or within 10 days after your request for a hearing. For more details about what you must include in your written request, refer to the enclosed.

An independent administrative law judge (ALJ) will hold the hearing. The purpose of the hearing is for both sides to present their facts so that the ALJ can make a recommendation to the Board of Forestry about whether the penalty was appropriate. An attorney may represent you at the hearing. However, an attorney **must** represent you at formal proceedings if you are a corporation, partnership, limited liability company, unincorporated association, or trust.

Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If the department does not receive a request for hearing by **March 22, 2018**, you will have waived your right to a contested case hearing.

V. REQUESTING COLLABORATIVE DISPUTE RESOLUTION

There may be details about your case that you wish to address informally, without going through a contested case hearing. If so, you may also consider asking the Civil Penalty Administrator to use a *collaborative dispute resolution* (CDR) process to resolve the issues in controversy. CDR refers to informal negotiations over the issues raised in this notice, including the possible use of an independent third party to facilitate the negotiation sessions. If you and the Department of Forestry agree to participate in a CDR process, there is no obligation to reach an agreement, and either you or the department may choose to withdraw from the process at any time.

If you want CDR, you must send a written request to the State Forester, together with a request for hearing, Attn: Civil Penalty Administrator at the same address as above, within 20 days from the date this notice was mailed.

VI. STEPS YOU MUST FOLLOW

If you request only a hearing within 20 days of mail date, the Civil Penalty Administrator will notify you of the time and place of the hearing. You will be provided with information on the procedures, right of representation, and your rights relating to the conduct of the hearing under ORS 183.413(2).

If you request collaborative dispute resolution, you must also request a hearing and do both within 20 days of mail date to prevent this order from becoming final. The Civil Penalty Administrator will notify you whether the Department of Forestry will participate with you in a CDR process. You retain your right to a hearing while the Department of Forestry considers your request. If the department chooses not to participate in a CDR process, or if CDR does not resolve the matter, a hearing can be scheduled.

Following receipt of your written request for CDR, you will be provided with more information on the process(es) you requested, on your rights in the process(es), and on scheduling.

VII. FINAL ORDER BY DEFAULT

This order and penalty assessment will become final by default if:

1. You do not request a hearing within 20 days of mail date of this notice;
2. You withdraw a request for a hearing;
3. You notify the Civil Penalty Administrator or administrative law judge that you will not appear; or
4. You fail to appear at a scheduled hearing.

When a default order is issued, the record of what has happened to date, including the Department of Forestry files on this violation, automatically becomes part of the contested case record. The department asserts that this record proves that there are sufficient facts to support the penalty order.

VIII. PAYING THE CIVIL PENALTY; COLLECTION

When this order becomes final, you are ordered to pay the penalty, which is due and payable within 10 days. Your check or money order in the amount of \$ 3,250.00 is payable to "State Forester" and should be sent to:

Department of Forestry
Unit 12
PO Box 4395
Portland, Oregon 97208-4395

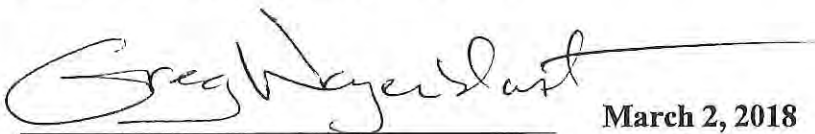
If you are requesting a hearing, collaborative dispute resolution, or reduction of the penalty, do not pay this penalty.

You may request the Civil Penalty Administrator to consider reduction of the penalty through any of several methods described in **"How to Request a Hearing, Collaborative Dispute Resolution, or Mitigation"** (enclosed). This request must be sent to the State Forester, Attn: Civil Penalty Administrator, at the address provided for requesting a hearing, within 20 days from the date this notice was mailed.

All civil penalties are credited to the State's General Fund. The penalties are not used by, nor available to, the Oregon Department of Forestry or the State Forester.

If the penalty is not paid in a timely manner, the invoice will be referred to the Department of Forestry's Finance Section for collection. Failure to respond to these efforts will result in the debt then being referred to a collection agency.

In addition, the Department may have this civil penalty order recorded with the county clerk in any county of this state. The clerk will then record your name and the amount of the penalty in the County Clerk Lien Record.



March 2, 2018

Greg Wagenblast
Civil Penalty Administrator,
For: Peter Daugherty, State Forester

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EXHIBIT A28
Page 5 of 15

STATE OF OREGON
DEPARTMENT OF FORESTRY

TO: Brad Reeser & Sarah Stark-Reeser

ORDER TO CEASE FURTHER VIOLATION

Pursuant to ORS 527.680(2), you are hereby directed to cease further violation of OAR 629-610-0040(3) which requires that landowner complete planting or seeding within 24 months unless a written plan for natural regeneration has been approved by the State Forester.

ORDER TO REPAIR DAMAGE OR CORRECT UNSATISFACTORY CONDITION CAUSED BY VIOLATION

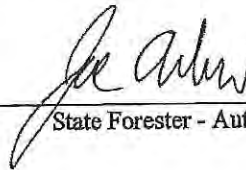
You are hereby directed to take the following action to repair damage or correct the unsatisfactory condition resulting from violation of OAR 629-610-0040(3):
Complete mechanical and/or chemical site preparation and tree planting by the end of the next full planting season, as necessary to result in at least 200 Free-To-Grow trees of acceptable species by the end of 4 growing seasons following planting AND/OR submit and implement an "alternate plan" for developing forestland for a non-forest use.

Such action is to be completed on or before May 1st 2017.

Date

7/19/16

State Forester - Authorized Representative

 JOE ARBOW

As provided in ORS 527.700(1), any operator, timber owner or landowner affected by a finding or order of the State Forester issued under ORS 527.610 to 527.730 may request a hearing within 30 days of the issuance of the order. The request for a hearing shall be in writing and must include a specific statement as to the reasons for disputing the State Forester's order, including but not limited to disagreement with any findings leading to the order. In addition, the request for hearing shall state what relief from the order is sought.

Failure of the person requesting the hearing to appear at the hearing shall be deemed a default and shall result in a final order being entered upon a prima facie case made on the record of the agency.

This notice becomes a final order unless the above-named party makes a written request for a hearing within 30 days from the date of service or mailing of the notice.

OPERATOR

OrderToCeaseRepairForm.doc/Jaz D (FP)

ATENDA ITEM D
Attachment 4

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EXHIBIT Page 128

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Certificate of Service

**RE: In the Matter of Brad Reeser and Sarah Stark-Reeser, Notice of Violation,
Orders to Cease Further Violation and Repair Damage or Correct
Unsatisfactory Condition Case No. 16-CN029**

I HEREBY CERTIFY that I have made service of copies of the foregoing Notice of Violation and Orders to Cease Further Violation and Repair Damage or Correct Unsatisfactory Condition upon the following party by causing them to be **mailed in the United States Post Office at Lyons, Oregon, on 07/19/16, a true, exact and full copy thereof, enclosed in an envelope with postage thereon prepaid addressed to:**

Brad Reeser and Sarah Stark-Reeser


By CERTIFIED MAIL and FIRST CLASS MAIL

 7/19/16

Joe Arbow

North Cascade District/Santiam Unit 503-859-2151

EXHIBIT A28
APPENDIX ITEM D
Page 1 of 15 Attachment 4
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7/8/15

HOW TO REQUEST A HEARING, COLLABORATIVE DISPUTE RESOLUTION AND/OR MITIGATION OF CIVIL PENALTY

Requesting a Hearing

- 1) *The State Forester must receive your hearing request within 20 days from the date of service of the notice of civil penalty. (Service is defined as the date of mailing or upon personal service.)*

If you decide to request a hearing, it must be in writing and directed to:

**The State Forester
Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310**

(You may make the request by facsimile to (503) 945-7490
and follow with regular mailing.)

- 2) *When you request a hearing or within 10 days following your request, you must submit admissions and denials. This means admit (concede as true) or deny (declare untrue) in writing, all factual matters stated in the notice of penalty. Otherwise, any factual matters you do not deny will be presumed admitted.*

In addition, you must state any and all claims or defenses you may have and the reasoning in support of the claims or defenses. Claims and defenses are arguments and facts that contradict the findings of fact stated in the penalty notice. If you fail to raise a claim or defense, it is presumed that you have waived that claim or defense.

- 3) *The administrative law judge will only consider evidence on issues raised in one or more of the following: 1) the notice; 2) the request for hearing; 3) or a timely follow-up statement. In addition, you may present evidence at the hearing on your economic and financial condition only if you had already raised the issue in your request. (See mitigation of penalty below.)*
- 4) *If you do not submit admissions, denials, claims or defenses (as described in #2), the Civil Penalty Administrator will forward agency files of your case to an administrative law judge with the Office of Administrative Hearings for review and a hearing will NOT be scheduled. Instead, the administrative law judge will decide the case on the basis of those files alone, and prepare a proposed order for the Board of Forestry to act upon.*

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Corporation, Partnership, Limited Liability Company, Unincorporated Association or Trust Hearings

If you are a corporation, partnership, limited liability company, unincorporated association or trust requesting a hearing, you must be represented by an attorney at pre-hearing conferences and hearings held before the administrative law judge. Unless you are represented by an attorney, your participation during such hearings/conferences would be limited to providing a witness who could testify regarding facts of the case. You would not be allowed to present arguments or examine and cross-examine witnesses.

Hearing Procedures / Location

Hearings shall be conducted using Oregon administrative procedures that are applicable to contested cases. No hearing shall be held earlier than 45 days, not later than 180 days, from the service of the notice, unless otherwise agreed to by all parties.

Hearings will be held at locations that are within the forest practices region where the violation occurred. This is usually a Department of Forestry office, unless all parties agree to a different location. Hearings may also be held by telephone.

Requesting Collaborative Dispute Resolution for a Possible Settlement

- 1) *You may request collaborative dispute resolution (CDR) as a less formal method of review and possible settlement.* Settlement may be reached between you and the Oregon Department of Forestry (district or Salem staff level). A third party may also be called upon to assist.

Requests for collaborative dispute resolution must be made in writing to:

State Forester
Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310

The State Forester must receive the request for CDR within 20 days from the date of service of the notice of civil penalty (follow the procedures in Section 1, "Requesting a Hearing").

IMPORTANT: You must also request a hearing in order to prevent the notice of civil penalty from becoming a final order by default.

- 2) *The Oregon Department of Forestry may choose not to participate in collaborative dispute resolution if it is believed after preliminary discussions with you and ODF district or Salem staff that a settlement is unlikely to be reached.* If ODF chooses not to participate in CDR, the Department will notify you. You then have the opportunity to schedule a hearing.

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- 3) *If the Oregon Department of Forestry chooses to participate in collaborative dispute resolution, the Department may establish a deadline for concluding the process.* If that deadline is reached without a settlement, or if you or the Department decides to opt out of the process, a hearing can be scheduled if desired.

Requesting a Penalty Reduction (Mitigation)

You may request a reduction of the penalties (mitigation), either as part of your request for a hearing or as a separate issue.

Mitigation can be requested:

- 1) **For Economic/Financial Reasons** - If you want the Department of Forestry to consider your economic and financial condition, you must do so in a written request for mitigation. *The burden of presenting evidence of your economic and financial condition is on YOU.* Doing so is not an admission that the violation has occurred or that you are responsible for the violation.
- 2) **Based on Repair Costs** - You may request that the costs of the repairs ordered by the State Forester be considered in reducing your penalty. This request must be received in writing within 20 days from the date of service of the civil penalty (see #1 under "Requesting a Hearing"). You may present evidence of the costs without any prejudice to your claims regarding the violation or your responsibility.

Because of a desire to substitute a higher level of repair or to substitute a suitable restoration or enhancement project for all or part of the civil penalty - The Board of Forestry is interested in encouraging landowners and operators to mitigate the damage caused by violations of resource protection rules. This can be done by investing in enhancement of the resources protected by the Forest Practices Act. These resources include air quality, water, soil productivity, fish, wildlife and scenic resources.

The State Forester is authorized by the Board of Forestry to reduce your civil penalty in exchange for your commitment to perform one or more of the following resource enhancement projects:

- Planting a higher tree density per acre in a set timeline for a reforestation violation
- Reconstructing, relocating or vacating roads that present a higher risk to water quality than if they had been located and designed to current forest practice rule standards
- Restoring or enhancing upstream/downstream fish passage, including replacing crossing structures not designed to current forest practice rule standards

(Resource Enhancement Projects, con't.)

- Restoring or enhancing fish habitat by placing large woody debris or other structures in or adjacent to stream channels
- Retaining conifers adjacent to streams to supplement current forest practice rule requirements that are consistent with forest health considerations
- Restoring or enhancing habitat for threatened and endangered species or other wildlife habitat
- Restoring or enhancing the protection of salmonid production areas
- Controlling noxious weeds or exotic species
- Reducing the risk of catastrophic fire or insect and disease damage

In addition, you may also agree to donate all or an agreed-upon portion of the penalty to a local watershed council or other program that does resource enhancement projects.

(These mitigation projects may be discussed and agreed-upon during a collaborative dispute resolution process, as well.)

A request for mitigation must be made in writing to:

**State Forester
Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310**

The State Forester must receive the request for mitigation within 20 days from the date of service of the notice of civil penalty (see #1 under "Requesting a Hearing").

IMPORTANT: Even if you request a penalty reduction, you must also request a hearing or the notice of civil penalty will become final by default.

**If you have questions about these procedures, contact:
Private Forests Civil Penalties**

(503) 945-7368

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Amount of Civil Penalties
OAR 629-670-0210

Penalty Formula

- (1) The amount of civil penalty per violation shall be the lesser of \$5000 or the amount determined by the formula $\$B(C \times P) + (\$B \times D \times R)$ where:
- (a) \$B is a base fine established by type of violation in section (2) of this rule;
 - (b) C is cooperation;
 - (c) P is prior knowledge or prior violations;
 - (d) D is damage to protected resources; and
 - (e) R is the extent of damage that cannot be corrected, or prevented in the future, even though repairs are made.

Base Penalties

- (2) The base penalty value (\$B) shall be established as follows:
- (a) A base penalty of \$100 shall be applied to violations of a type where the operator fails to notify the State Forester of intent to operate or fails to submit a required written plan or obtain written approval of a plan for an alternate practice.
 - (b) A base penalty of \$250 shall be applied to:
 - (A) Violations of any rule or statute which requires or sets standards for accomplishing reforestation.
 - (B) Violations involving a failure to comply with the terms or conditions of any order of the State Forester issued in accordance with ORS 527.680.
 - (C) Violations of a type where the operator fails to comply with any term or condition of an approved plan for an alternate practice.
 - (D) Violations where the State Forester determines that an operator has intentionally failed to notify the State Forester of intent to operate, notwithstanding subsection (2)(a) of this rule.
 - (E) All other violations of forest practice rules or statutes not specifically described in section (2) of this rule.
 - (c) A base penalty of \$1000 shall be applied to violations of any rule or statute which sets a maximum size for harvesting operations.

Cooperation of the Operator

- (3) The cooperation value (C) shall be determined by the State Forester after reviewing whether the operator is taking all feasible steps or procedures necessary or appropriate to correct the violation for which the penalty is being assessed. The value shall be assigned as follows:
- (a) A value of 0.5 shall be assigned when, in the judgment of the State Forester, the operator takes substantial initiative to correct the damage or problem that led to the violation. Substantial initiative may include, but is not limited to, reporting the violation before it is discovered, initiating effective repairs without having to be directed, or making substantive changes in operating procedures designed to identify and avoid potential recurrences.
 - (b) A value of 1 shall be assigned when the operator cooperates in following the direction of the State Forester by immediately ceasing further violation and taking prompt action to repair damage or correct any unsatisfactory condition where deemed feasible by the State Forester.
 - (c) A value of 2 shall be assigned when the State Forester determines that the operator does not immediately cease further violation, is evasive upon attempts to make necessary communications, or neglects to take necessary and timely action to repair damage or correct any unsatisfactory condition.

Prior Knowledge of the Operator

- (4) The prior knowledge value (P) shall be determined by the State Forester after reviewing department records of citations, operation notification or operation inspections. A value from 0.5 through 10 shall be assigned as follows:
- (a) A value of 0.5 is appropriate when the operator has little or no prior knowledge of the Oregon Forest Practices Act but has cooperated in ceasing violation and correcting unsatisfactory conditions.
 - (b) A value of 1 is appropriate when the operator has general knowledge of the Oregon Forest Practices Act and rules, but has not had significant past experience with the practice in question, or has significant past experience with the practice, but the violation is determined by the State Forester to be inadvertent or accidental.
 - (c) A value of 2 is appropriate when the operator has had significant past experience with a practice or condition, or has had specific correspondence or conversation with department personnel about the required practices or actions involved in the violation, before the violation.
 - (d) A value of 4 is appropriate when the State Forester has issued a written statement of unsatisfactory condition to the operator for the violation and timely corrective action was not taken.

- (e) A value from 3 through 5 is appropriate when the operator has received citations for any other forest practice rule or statute within the past three years.
- (f) A value from 5 to 10 shall be assigned when the operator has been cited within the past three years for a violation of the same forest practice rule, statute, or condition; or in a case of failure to comply with an order to cease further violation, or order to repair damage, or order to correct an unsatisfactory condition (ORS 527.680(2)).

Damage Value

- (5) The damage value (D) shall be determined by the State Forester as a measure of extent or relative adverse effect of damage. The specific value applied shall be based on the pre-operation condition of the site, if known, the severity and extent of damage associated with the violation, and any potential economic gain to any involved operators. The damage value should be consistent with the policy of deterring future violations. A value from 0 through 20 shall be assigned. The following shall guide the State Forester's determination:
 - (a) A value of zero shall be assigned when the violation has not resulted and will not result in resource damage.
 - (b) A value of 1 shall be assigned when the adverse effects of the violation left uncorrected are minor and the affected resources will naturally self-restore within one year. Example: Siltation from exposed soil flows into the upper reaches of a stream, but the site will naturally revegetate within the next growing season, preventing further siltation.
 - (c) A value from 2 to 5 shall be assigned when the damage from the violations left uncorrected is more serious than described in subsection (b) of this section, but the affected resources will self-restore naturally within five years. Examples: A small volume debris avalanche is caused by road construction material placed in an unstable location and the debris comes to rest in a fish-bearing or domestic use water; or logs are skidded across a stream without an adequate temporary crossing leaving ruts and disturbed soil areas that will flow muddy water directly into the stream.
 - (d) A value from 5 through 10 shall be assigned when the damage from the violation left uncorrected is major in relative effect, with natural self-restoration taking up to 10 years. A consideration in selecting a value from 5 to 10 may include, but is not limited to the size of the area affected. Examples: Failure to reforest five acres may be assigned no less than a 5, while failure to reforest 50 acres may be assigned a 10. Removal of understory vegetation along 500 feet of a small stream may be assigned a 10.
 - (e) A value from 5 through 20 shall be assigned when damage is the result of harvest or destruction of trees or snags required to be maintained; or when the damage from the violation left uncorrected is major in relative effect, with self-restoration taking more than 10 years. Example: Severe riparian management area soil disturbance, combined with the total harvest or destruction of what had been a fully stocked stand of trees required to be maintained, along more than 500 feet of a small stream may be assigned a factor of 20.

Repair Value

- (6) The repair value (R) shall be assigned by the State Forester as a measure of the relative extent of the damage that is corrected or prevented through timely corrective action. The value shall be set by the State Forester between 0 and 1, inclusive and expressed as a decimal. The decimal indicates the degree of damage that already occurred and future damage that cannot be prevented, even after the repairs are completed as directed in the repair order. Example: A tractor crossed a stream with no temporary structure, breaking the stream banks down, leaving exposed skid trails which eroded, creating turbidity, and leaving visible sediment in the stream. With no repairs, the stream bank and skid trails would revegetate in 4 years. The landowner performed all repairs as ordered, including mulching, placing rip-rap, and building waterbars. In the State Forester's judgement, compliance with the repair order will prevent all but 20% of the potential damage expected over the next 4 years. Therefore R equals 0.20. If repairs are not feasible or are not completed, R equals 1.0.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

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☐ Adult Signature Required

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To

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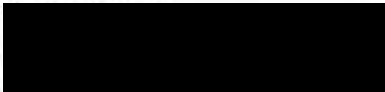
Se

St

City

PS

Brad Reeser



Postmark
Here

3/2/18

Use for Instructions

ATENDA ITEM D

Attachment 4

EXHIBIT

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COMPLETE THIS SECTION

Complete items 1, 2, and 3.
 Write your name and address on the reverse
 so that we can return the card to you.
 Attach this card to the back of the mailpiece,
 on the front if space permits.
 Addressed to:

Brad Reeser



9590 9402 2257 6225 7748 09

2. Article Number (Transfer from service label)

7016 1370 0000 7292 3125

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail®
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return Receipt

United States
 Postal Service

9590 9402 2257 6225 7748 09



USPS TRACKING® #
 9505 9402 2257 6225 7748 09

Sender: Please print your name, address, and ZIP+4® in this box

OREGON DEPT. OF FORESTRY
 PRIVATE FORESTS (CIVIL PENALTIES)
 2600 STATE ST., BLDG. D.
 SALEM OREGON 97310

First-Class®
 Postage & Fees
 USPS
 Permit No.

ATTENDANCE
 Attachment 4

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EXHIBIT

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Portland - Post Market
 MARCH 5, 2018

WAGENBLAST Greg * ODF

n: [REDACTED]
Sent: Monday, March 12, 2018 5:40 PM
To: WAGENBLAST Greg * ODF
Subject: Re: Brad Reeser

Importance: High

Mr. Wagenblast I have mailed off today a letter again asking for a hearing denying the claims. Thank you. Brad Reeser

Sent from my LG V20, an AT&T 4G LTE smartphone

----- Original message-----

From: WAGENBLAST Greg * ODF
Date: Wed, Feb 28, 2018 12:17 PM
To: [REDACTED]
Cc: WAGENBLAST Greg * ODF;
Subject: RE: Brad Reeser

Mr. Reeser,

At this time, I am unsure what additional information you are wanting documented with the conversation you held on the phone. I believe that the information provided in the previous email provided an accurate summary. As for wanting to know more about the conversation with DOJ, communications between ODF staff and DOJ are confidential under the attorney-client privilege and ODF has not waived this privilege.

The agency will be rescinding the Civil Penalty Notice issued to you on October 10, 2017 due the delay that resulted from attempting to locate and serve Sarah Stark-Reeser. The agency spent significant time and made multiple attempts to locate Ms. Stark-Reeser after you informed us that you were divorced and then declined to provide me with any method of contacting her. At this time, the agency will be rescinding the notice dated October 10, 2017 and will send you a new Civil Penalty notice which will initiate the process and hearing timeline again. Please read the instructions and follow the steps to request a hearing if you would like to contest the notice.

Thank you

Greg Wagenblast

Policy Analyst/Civil Penalties Administrator

Oregon Department of Forestry

ATENDA ITEM D

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Private Forest Division

2600 State Street, Bldg D

Salem, OR 97310

Office (503)945-7382

Cell (541)525-6462

greg.wagenblast@oregon.gov

From: [REDACTED]
Sent: Tuesday, February 20, 2018 2:30 PM
To: WAGENBLAST Greg * ODF <greg.wagenblast@oregon.gov>
Subject: Re: Brad Reeser
Importance: High

...to Mr. Wagenblast. In my recent conversation with you i was asked if i would wave the deadline and if so to send you a email stating such. I Brad Reeser do not agree to doing so until i have in writing what you and i disscused along with what you and the department of justice spoke of. After being satisfied with what i recieve only then will i agree to your proposal. Thank you

Sent from my LG V20, an AT&T 4G LTE smartphone

----- Original message -----

From: WAGENBLAST Greg * ODF
Date: Tue, Feb 20, 2018 10:12 AM
To: [REDACTED]
Cc: WAGENBLAST Greg * ODF;
Subject: RE: Brad Reeser

... Reeser,

ATENDA ITEM D

EXHIBIT Attachment 4
Page 2 of 4

Thank you for discussing your Civil Penalties case and timelines with me on the phone Thursday February 15, 2018. I appreciate your willingness to waive the timeline for the case as you agreed to on the phone. I understand you are now interested in clarifying the various options with this case and the timeline.

On September 19, 2017 the initial Civil Penalty notice for ODF Case# 16-CN029 was mailed via Certified mail with the USPS to the address of record on the notification for harvesting [REDACTED]. This notice was returned as no individual signed for it.

On October 10, 2017 the Civil Penalty notice for ODF Case# 16-CN029 was mailed via Certified mail with the USPS to a new address that the agency located listing you as a resident at [REDACTED]. A return receipt was returned to the agency with your signature indicating you had received the notice. You then contacted the Civil Penalty administrator to discuss the notice. During this conversation you asked about having the Civil Penalty dropped based on your divorce. You also indicated that if it was not dropped you would request a hearing. I asked several times during the phone call if you could provide me the address for your ex-wife, of which you would not.

On October 10, 2017 after the phone call, the agency then began researching addresses for Sarah Stark-Reeser.

On October 24, 2017 the agency received a letter from you requesting that the case be dropped and if it isn't dropped, that a hearing be held. In order for the agency to hold the appropriate hearing where an ALJ could hear both sides of the case from you and Sarah Stark-Reeser, the hearing request was held pending additional attempts to locate Sarah Stark-Reeser.

On January 10, 2018 the agency sent a certified mailing through the USPS to Sarah Stark-Reeser. The certified receipt was returned, indicating that the letter was received, after several unsuccessful attempts by the agency in mailing her notice to several addresses in Oregon and Washington. Time was allowed for her response and request for a hearing, which has passed.

Based on timelines for holding the hearing (no sooner than 45 days from issue of the notice and no later than 180 days) and timelines for scheduling the hearing with the Oregon Office of Administrative Hearing (OAH), the agency has asked for your agreement to waive the timeline and allow the hearing to be scheduled with OAH as soon as possible but allow flexibility in case the schedule is not open until after the 180 day timeline. If you are unable to waive the timeline, the Agency will then consider rescinding the Civil Penalty Notice and reissue a new Civil Penalty Notice to you so that the hearing can be conducted within the required timelines.

Based on our phone conversation, my understanding is that we have reached an agreement to waive the timelines for a contested hearing and we can remain flexible with our scheduling of the hearing. If my understanding is incorrect, please let me know no later than Noon on Thursday February 22, 2018.

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Page 3 of 4

Thank you

Greg Wagenblast

Policy Analyst/Civil Penalties Administrator

Oregon Department of Forestry

Private Forest Division

2600 State Street, Bldg D

Salem, OR 97310

Office (503)945-7382

greg.wagenblast@oregon.gov

From: [REDACTED]

Sent: Thursday, February 15, 2018 2:41 PM

To: WAGENBLAST Greg * ODF <greg.wagenblast@oregon.gov> <greg.wagenblast@oregon.gov>

Subject: Brad Reeser

Mr. Wagenblast after some thought i believe it would be in my benefit to get what we spoke of in writing. I would appritiat knowing more in detail what you and the department of justice disscused. Just covering my bases. Thank you

Sent from my LG V20, an AT&T 4G LTE smartphone

ATENDA ITEM D
Attachment 4
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HEARING REQUEST

I Brad Reeser am once again responding to the citation I received regarding the reforestation of Sarah Stark-Reeser and my former property.

Since the harvest of the timber Ms. Reeser and I have been divorced, at which time she was awarded the property at [REDACTED]
[REDACTED] At the beginning of 2017 the property was then foreclosed on and under new ownership.

I left the property January 3, 2015 and have never returned. This was a very messy divorce and I could not of repented if I wanted to. My first knowledge of the attempts to contact me was the inital citation I received October 10, 2017. I responded promptly to the citation with a letter stating that I denied the claims and asked for a hearing. The Department of Forestry did not schedule a hearing in time and I am now told the process is to start over to which I now write this letter. The information the Department of Forestry provided me with states that a hearing will be held no later than 180 days from the service of the notice unless agreed by all parties. I Brad Reeser did not agree to extend the time period. Is it allowed to just start again?

In this second citation the Department of Forestry has informed me that Sarah Stark-Reeser was served a citation and did not responed. Ms.Stark-Reeser now has a Final Order by Default entered against her. This seems to be correct being it was her property now. Do Ms.Reeser and I both need to pay the

ATENDA ITEM D

Attachment 4

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\$3,250.00 penalty?

I Brad Reeser do deny the claims again and ask for a hearing. I also have enclosed four court documents stating the date I left the property, Date of divorce, and Ms. Reeser-Stark being awarded the property. Also I have included two more documents from the Department of Forestry that give their timeline for a hearing and Ms. Stark-Reeser being in Default.

Thank you for your time.

Bradley C. Reeser





Oregon

Kate Brown, Governor

Attachment #1

Department of Forestry

State Forester's Office

2600 State Street

Salem, OR 97310-0340

503-945-7200

Fax 503-945-7212

www.oregon.gov/ODF

March 2, 2018

FIRST CLASS & CERTIFIED MAIL



Mr. Brad Reeser

Re: Notice of Civil Penalty for Forest Practices Violation, Case 16-CN029

On October 10, 2017, the Agency served you with the above-mentioned Notice of Civil Penalty for a Forest Practices Reforestation Violation, Case 16-CN029. The Agency is hereby rescinding the October 10, 2017 notice as to you, Brad Reeser. The Agency is issuing a new Notice of Civil Penalty with the same allegations as previously made, in order to re-start the timeline for conducting a contested hearing on this matter.

After issuing the Civil Penalty notice on October 10, 2017, you notified the agency that you were requesting a hearing and that you are no longer married to Sarah Stark-Reeser and that she did not reside with you at the [REDACTED]. You then refused to provide the Agency with any information that could be used to determine her current address. The Agency spent significant time and made multiple attempts to locate Sarah Stark-Reeser in order to provide her with a copy of the Civil Penalty Notice. Since the factual allegations against you and Ms. Stark-Reeser are essentially identical, the Agency believed it would be the best use of everyone's resources to wait until Ms. Stark-Reeser had been served before proceeding with a hearing process on your request. The Agency elected to wait until both you and Ms. Stark-Reeser had been located and served with the anticipation that you both may contest the Civil Penalty notice and both requests could be combined into a single hearing for consideration by one Administrative Law Judge. The Agency was finally able to locate and serve Ms. Stark-Reeser. She did not request a hearing and a Final Order by Default will be entered against her on this matter. However, the result of this delay is that it is no longer practical to conduct a hearing on your request within 180 days after issuance of the notice. Therefore, the Agency is rescinding the notice dated October 10, 2017 as it pertains to you, Brad Reeser. A new Civil Penalty notice for Brad Reeser is included with this letter. The new Civil Penalty notice will initiate the process and hearing timeline.

Please read the notice for the penalty amount and information about your rights to a hearing or collaborative dispute resolution. In addition, more detailed information on those rights is enclosed.

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Corporation, Partnership, Limited Liability Company, Unincorporated Association or Trust Hearings

If you are a corporation, partnership, limited liability company, unincorporated association or trust requesting a hearing, you must be represented by an attorney at pre-hearing conferences and hearings held before the administrative law judge. Unless you are represented by an attorney, your participation during such hearings/conferences would be limited to providing a witness who could testify regarding facts of the case. You would not be allowed to present arguments or examine and cross-examine witnesses.

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Attn: Civil Penalty Administrator
2600 State Street
Salem, Oregon 97310

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IMPORTANT: You must also request a hearing in order to prevent the notice of civil penalty from becoming a final order by default.

- 2) *The Oregon Department of Forestry may choose not to participate in collaborative dispute resolution if it is believed after preliminary discussions with you and ODF district or Salem staff that a settlement is unlikely to be reached.* If ODF chooses not to participate in CDR, the Department will notify you. You then have the opportunity to schedule a hearing.

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Salem, Oregon 97310

(You may make the request by facsimile to (503) 945-7490
and follow with regular mailing.)

- 2) *When you request a hearing or within 10 days following your request, you must submit admissions and denials. This means admit (concede as true) or deny (declare untrue) in writing, all factual matters stated in the notice of penalty. Otherwise, any factual matters you do not deny will be presumed admitted.*

In addition, you must state any and all claims or defenses you may have and the reasoning in support of the claims or defenses. Claims and defenses are arguments and facts that contradict the findings of fact stated in the penalty notice. If you fail to raise a claim or defense, it is presumed that you have waived that claim or defense.

- 3) *The administrative law judge will only consider evidence on issues raised in one or more of the following: 1) the notice; 2) the request for hearing; 3) or a timely follow-up statement. In addition, you may present evidence at the hearing on your economic and financial condition only if you had already raised the issue in your request. (See mitigation of penalty below.)*
- 4) *If you do not submit admissions, denials, claims or defenses (as described in #2), the Civil Penalty Administrator will forward agency files of your case to an administrative law judge with the Office of Administrative Hearings for review and a hearing will NOT be scheduled. Instead, the administrative law judge will decide the case on the basis of those files alone, and prepare a proposed order for the Board of Forestry to act upon.*

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Page 1 -

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of the Marriage of	)	
	)	Case No. 15DR01563
BRADLEY C. REESER,	)	
	)	GENERAL
Petitioner;	)	JUDGMENT OF
	)	DISSOLUTION OF
and	)	MARRIAGE
	)	
SARAH L. REESER,	)	
	)	
Respondent.	)	

THIS MATTER comes before the Court on the 19th day of April, 2016. Petitioner appeared in person and by and through his attorney, Larry W. Stuber; Respondent did not appear. The Court, having called the case, and the Court after having received testimony of the Petitioner and argument of counsel, and the Court having reviewed the records and documents on file herein and being fully advised in the premises, makes the following findings:

1. Petitioner shall hereinafter be referred to as Husband and Respondent as Wife.
 2. The case had previously been set for trial on January 12, 2016. Husband appeared on said date in person and by and through his attorney; Wife did not appear. The Court called the case and received testimony from Husband and
- GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE
Reeser and Reeser

KING, STUBER, ENSOR & HADLOCK, P.C.
ATTORNEYS AT LAW
605 SW JEFFERSON
CORVALLIS, OR 97333
PHONE (541) 757-1414

#4

1 decedent's failure to modify the beneficiary designation of the above-
2 described assets.

3 2. **SPOUSAL SUPPORT.** No spousal support shall be paid to or by either
4 party.

5 3. **REAL PROPERTY.** Wife is awarded the real property located at [REDACTED]
6 [REDACTED] more fully described as follows:

7 Beginning at a point on the Section subdivision line which is [REDACTED]
8 feet North [REDACTED] West from the Southeast corner of the West Half of
9 the Southeast Quarter of the Southwest Quarter of Section [REDACTED]
10 Township [REDACTED] South, Range [REDACTED] East of the Willamette Meridian, in Linn
11 County, Oregon; thence South [REDACTED] West [REDACTED] feet; thence
12 North [REDACTED] West [REDACTED] feet more or less, to the Southerly right of
13 way line of Market Road No. [REDACTED] thence Easterly [REDACTED] feet, more or less,
14 along said right of way line to the Northwest corner of a tract of land
15 conveyed to Clarence T. Morgan and wife, by deed recorded in
16 Microfilm Volume [REDACTED] Page [REDACTED] Deed Records for Linn County
17 Oregon; then South [REDACTED] East [REDACTED] feet, more or less, to an iron rod
18 on the North line of the Southeast Quarter of the Southwest Quarter
19 of said Section [REDACTED] thence South [REDACTED] West [REDACTED] feet to the
20 Northeast corner of the West Half of the Southeast Quarter of the
21 Southwest Quarter of said Section [REDACTED] thence South [REDACTED] East [REDACTED]
22 feet to the place of beginning.

23 subject to its current indebtedness, holding Husband harmless therefrom,
24 and free and clear of any interest of the Husband. Wife is required, within
25 six months of the date of this judgment, to refinance the real property
26 removing Husband's name from the loan. If Wife is unable to do so
refinance by that time, Wife must immediately list the property for sale and
continuously list the property for sale until sold.

27 4. **VEHICLES.**

28 4.1 Husband shall receive the following vehicles, subject any
29 encumbrances thereon, holding Wife harmless thereof, and free and clear
30 of any interest of Wife:

31 4.1.1 2006 Honda TR 450r (ATV);

32 4.1.2 2007 Honda TRX 400 (ATV); and

33 4.1.3 1977 Yamaha YZ 80 Dirt Bike.

34 Page

35 4 - GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE
36 Reeser and Reeser

KING, STUBBS, ENSOR & HADLOCK, PC
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ATENDA ITEM D

EXHIBIT A30 Attachment 4
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of the Marriage of) No.
BRADLEY C. REESER,)
Petitioner,) PETITION FOR
and) DISSOLUTION OF
SARAH L. REESER,) MARRIAGE
Respondent.)

Petitioner alleges that:

1.

The parties were married in Albany, Linn County, Oregon on December 23, 2010. Petitioner has been a resident of, or domiciled in, Oregon continuously for the past six months, and is now a resident of Oregon. The parties separated on January 3, 2015.

2.

Irreconcilable differences between the parties have caused the irremediable breakdown of their marriage.

3.

Pursuant to UTCR 8.010(1), the undersigned hereby certifies that one or both parties to this proceeding currently reside in the county in which the Petition for Dissolution of Marriage is being filed.

1- PETITION FOR DISSOLUTION OF MARRIAGE
Reeser and Reeser

ATENDA ITEM D

KING, SUTHER, ENSOR & HADLOCK, P.C.
ATTORNEYS AT LAW
605 SW JEFFERSON
CORVALLIS, OR 97333
PHONE (541) 757-1414

#6

1 9. Postjudgment Interest : Nine percent (9%) per annum simple
2 interest on money award from the date
3 money award is entered until paid.

4 10. Periodic Accrual : None.

Signed: 5/23/2016 11:09 AM



Circuit Court Judge, Thomas A. McHill

8 Prepared and submitted by:
9 LARRY W. STUBER, OSB #793910
10 Attorney for Petitioner
11 [REDACTED]
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9 - GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE
Reeser and Reeser

ATENDA ITEM D

Attachment 4

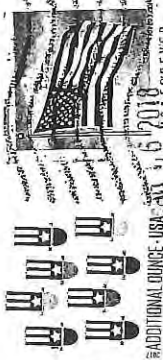
EXHIBIT Page 130 of 134

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Brad Reeser



POSTAGE ON
RECEIVED



ADDITIONAL DANCE-USA
MAY 16 2018
USA FOREVER

RECEIVED
MAR 19 2018
CDF MAILROOM

State Forester
2600 State Street
Salem, Oregon, 97310
Attn: Civil Penalty Administrator

97310

ATENDA ITEM D

Curriculum vitae for Jay Walters

July 2018

Address: Private Forests Division
Oregon Department of Forestry
2600 State Street
Salem, OR 97310
Telephone: 503-945-7387
Email: jay.k.walters@oregon.gov

EDUCATION

B.S. Forest Resources, cum laude honors, University of Washington, 1983

EMPLOYMENT HISTORY

- **Forest Practices Field Coordinator (2017-present)**
 - Oregon Department of Forestry, Private Forests Division, Salem, OR
 - Provide support and technical assistance to stewardship foresters statewide re: administration/enforcement of forest practice rules/statutes
 - Write guidance for forest practice rules/statutes
- **Stewardship Forester (2013-2017)**
 - Oregon Department of Forestry, Douglas District, Roseburg, OR
 - Administered and enforced forest practice rules/statutes in southern Douglas County
 - Provided reforestation and other technical forest/land management assistance to landowners and operators
- **Forester/Project Manager (2012-2013)**
 - Barnes & Associates, Inc. (forestry consultants), Roseburg, OR
 - Managed forest practices compliance audit, including coordination of field work, providing quality assurance checks on data, and delivery of data to ODF
 - Collected compliance audit data at field sites following established protocol
- **Tribal Forester (2011-2012)**
 - Cow Creek Umpqua Tribe, Roseburg, OR
 - Designed and implemented projects for riparian/forest restoration and vegetation management
 - Collaborated with county, state, and federal agencies on forestry projects
- **GIS Coordinator (2008-2011)**
 - Cow Creek Umpqua Tribe, Roseburg, OR
 - Conducted spatial analyses and created maps in ArcMap to communicate information
 - Managed tribal water quality program
- **Forester/Project Manager (1996-2007)**
 - Barnes & Associates, Inc. (forestry consultants), Roseburg, OR
 - Wrote prescriptions and managed contracts for reforestation and silviculture projects
 - Led and served on NEPA and watershed assessment interdisciplinary teams
- **Unit Forester (1992-1995)**
 - International Paper Company, Reedsport, OR
 - Responsible for reforestation, silviculture, and timber sale activities on 130,000-acre tree farm
 - Managed contracts to ensure cost-effective and quality results from 2000 acres of site preparation, 3500 acres of planting, and 5500 acres of vegetation control annually

- **Inventory Forester (1988-1992)**
 - International Paper Company, Reedsport, OR
 - Responsible for stand inventories and maintenance of timber inventory database for 130,000-acre tree farm
 - Prepared reports from inventory database for local and corporate decision-makers
- **Field Forester (1983-1988)**
 - International Paper Company, Vernonia, OR / Longview, WA
 - Resident forester responsible for planning and implementing reforestation and silviculture projects on 33,000-acre tree farm

TRAINING RECEIVED (partial list)

Statewide Private Forests Conference (2018), Oregon Department of Forestry
 Forest Chemical Seminar (2018, 2017, 2016, earlier), Helena Chemical and Wilbur-Ellis
 Southern Oregon Area Private Forests Conference (2017), Oregon Department of Forestry
 Salmon/steelhead/bull trout riparian rule training (2017), Oregon Department of Forestry
 Understanding your Forestry Taxes for your Woodland (2016), Oregon State University Extension
 Oregon Forest Pest Detector Training (2016), Oregon State University Extension
 Statewide Private Forests Conference (2016), Oregon Department of Forestry
 Advanced Forest Law Administration (2016), Oregon Department of Forestry
 The 7 Habits of Highly Effective People (2015), Oregon Department of Forestry
 Civil Penalties Enforcement (2015), Oregon Department of Forestry
 Southern Oregon Area Private Forests Conference (2015), Oregon Department of Forestry
 Archaeology Training (2014), Oregon Parks and Recreation Department
 Statewide Private Forests Conference (2014), Oregon Department of Forestry
 Forest Practices Act Training (2014), Oregon Department of Forestry
 Oregon Forests and Water Symposium (2012), Oregon Forest Resources Institute
 NEPA Training (2011), Bureau of Indian Affairs
 Field Technology Conference (2011), Western Forestry and Conservation Association
 ESRI International GIS User Conference and trainings (2010, 2008), ESRI
 Introduction to ArcGIS I and II (2008), ESRI
 Managing Stand Density: The Science Behind the Art (2005), Society of American Foresters
 Alternative (not Douglas-fir) Species Silviculture (2004), Society of American Foresters
 Legal Knowledge for Owning and Managing Forests (2004), Douglas Small Woodlands Association
 The Form and Function of GIS and Forest Management (2003), Western Forestry and Cons. Assn.
 Intermediate and Advanced MapInfo GIS (2003), MapInfo
 Legal Seminars – Easements and Contracts (2002), Western Forestry and Conservation Association

ATENDA ITEM D

Attachment 4

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TRAINING AND INFORMATIONAL OUTREACH (partial list)

Forest Practices Act training for stewardship foresters (periodically since March 2017)
Aerial Herbicide Applications in Forestry (2018), Oregon Forest Resources Institute
Water Protection Rules in Forest Practices Act (2018), Oregon Parks and Recreation Department
Aerial Herbicide Buffers – Homes and Schools (2018), Committee for Family Forestlands, ODF
Pesticide Applicator Recertification (2018), Oregon State University Extension
Temporary Road and Skid Trail Crossings (2016), Oregon Logging Conference
Funding Forestry and Natural Resource Projects (2015), OSU Extension's Tree School Umpqua

OTHER

- Oregon Department of Forestry agency achievement award, riparian rule analysis and implementation team, 2016
- Society of American Foresters
 - Member since 1983
 - Certified Forester (since 1999)
 - Various leadership positions, including 2009 state meeting facilities chair and 2007 Umpqua Chapter chair