

County and U.S. Forest Service Have Different Perspective on Coordination

By Gina Perkins

Last Monday, Commissioner Harvey sent the letter (at right) printed in its entirety to Tom Montoya, Forest Supervisor about Coordination with Baker County. The last line of Harvey's letter "or we will, as a County, engage in rightful action to stop any further progress on the East Face project," doesn't make it clear what action exactly will be taken. According to Christena Cook, Administrative Service Director for Baker County, the general fund has \$35,000 for labor and legal counsel.

On Nov. 19, 2015, Montoya sent a letter to Harvey regarding the adoption of the Natural Resources Plan along with a Frequently Asked Questions (FAQ) document "U.S. Forest Service Coordination with State and Local Governments."

In Montoya's November letter he said, "Since the word 'coordination' has different meanings for different agencies, I would also like to review in our meeting how federal law and Forest Service policy address coordination with counties on land management planning."

Because of space limitations, we are not printing the FAQ document it is entirely, but it will be posted to the *Record-Courier* website at www.therconline.com. Here are excerpts:

Question: What are the Forest Service's legal responsibilities to coordinate with the states and local governments under the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act (NFMA)? Does the Forest Service have to adopt recommendations made by local agencies in connection with land management planning?

Answer: Under NFMA and planning regulations, the Forest Service is required to coordinate land management planning.....but is not required to adopt recommendations made by state and local governmental entities. In particular, the Forest Service is not required to incorporate specific provisions of county ordinances or resolutions into land management plans..... Neither the statutes governing Forest Service land management planning nor their implementing regulations provide for more than an advisory role for state and local governments.

The Forest Service is required to develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of state and local governments and other Federal agencies.....however, neither NFMA nor the planning regulations require the agency coordinate the content of the Forest Plan with state or county plans.

In short, neither the statutes governing Forest Service Planning nor their implementing regulations provide for more than an advisory role for state and local governments. In the end, the Forest Service retains discretion and authority to make Forest Planning and use decisions.

Question: Is there a legal basis for granting a county's request for "coordination status?"

Answer: The term "coordinating status" is not used in existing authorities.

Question: Are there any state or local requirements with which the Forest Service must comply?

Answer: The Forest Service must comply with state requirements that Congress expressly re-

Dear Forest Supervisor Tom Montoya,

We, at Baker County, are now addressing the East Face project, of which we received a news release about this week. As we have pointed out to your agency many times, Baker County is a coordinating County and has been since 2001. We are again reminding you, as Wallowa-Whitman Forest Supervisor, that your agency has not lawfully engaged in the coordination process with Baker County. This is notification that with this project, East Face, you are in violation of the NFMA Act to coordinate with local governments.

NFMA and Forest Service regulations explicitly require the Forest Service to coordinate with local governments on land use planning and travel management planning. The East Face project has both components within the planning of this project and we, at the County, have not had any opportunity to work with the Forest Service in coordination (government-to-government) on this project.

When Forest Service land use plans are developed or revised, the responsible official "shall" (Secretary of Ag. Rule 219.4) review local plans and policies relevant to the federal plan. The review will consider the objectives of local plans, the compatibility and interrelated impacts on social and economic needs of local citizens and contribute to joint objectives and opportunities to resolve or reduce conflicts. As required by NEPA, this review will be included in the EIS for the Forest Service Plan.

We in Baker County have made many attempts to engage with the Forest Service in the coordination process so that we could proceed with the planning and managing of our coordinated plans for Baker County jurisdiction. Once again, I ask if you are going to comply with federal statutes regarding coordination with Baker County? We would like, and expect, a preferred answer of yes, but we are also prepared to exercise all of our rights (as local government) if the answer is no.

Baker County has informed you numerous times in the past that it wishes to coordinate on plans and projects on the Wallowa-Whitman National Forest on a government-to-government basis. We submitted comments on the draft East Face Vegetation Management Project in November, 2015, during the public comment period and asked the Forest Service to coordinate with the county to revise the draft proposal to better address the concerns and responsibility of the county to ensure the health, safety, and welfare of its citizens.

The only result was a short meeting with Ranger Gamble that primarily consisted of him telling the county that the plan would have only slight changes from the draft, and thus would not reflect the wishes of the county for more proactive management to reduce the fire hazard and improve forest health. There were no other meetings or exchanges of information or detailed explanations why this path was chosen.

At this time, we are not in agreement that the East Face project is ready for Final Decision Notice, until we have had full discussion and work through any inconsistencies we may have. Since the Forest Service has now issued a 45 day pre-decisional objection period, we must, within the next 14 days from the date of this email, come to an agreement on coordination or we will, as a County, engage in rightful action to stop any further progress on the East Face project.

Regards,

Bill Harvey, Chairman
Baker County Board of Commissioners

quires federal agencies to comply with such as those relating to the control and abatement of water pollution under the Clean Water Act and the control and abatement of air pollution under the Clean Air Act. Additionally, the Forest Service must comply with state requirements that do not conflict with federal laws.

Question: Does the Federal Land and Policy Management Act (FLPMA) require the Forest Service to coordinate with state and local agencies?

Answer: FLPMA primarily governs the management of public land by the Bureau of Land Management. Although some provisions apply.....no FLPMA provision requires the Forest Service to coordinate with local agencies; however, certain provisions do direct the Secretary of Agriculture to coordinate land use plans of the National Forest Service with those of and or Indian Tribes.

Commissioner Harvey has expressed open disagreement with these assertions by the U.S. Forest Service and all three commissioners have stated their support for Coordination Status. In February, Commissioner Harvey traveled to Yamhill County and spoke to Yamhill County Commissioners about the coordination process. Later in the month, Harvey gave a coordination presentation to a group of citizens in Prineville.

Planning Commission to Consider Changes to Sign Code

On March 16, 2015 at 7 p.m. the Baker City Planning Commission will hold a work session to review proposed changes to the Baker City Development Code, Chapter 3.5 Signs. Making changes to land use regulations is a Legislative (Type IV) procedure, which is considered initially by the Planning Commission with final decisions made by City Council.

The public is invited to attend this public hearing and to submit comments. The work session will be held in the Council Chambers at Baker City Hall.

If you have questions, please contact Eva Ceder at (541)-523-8219 or planning@bakercounty.org, or visit the Planning Department, located in the basement of the courthouse at 1995 Third Street, Baker City.

News of Record

Feb. 18 - Felon in Possession of a Weapon: Zachary Michael Pehringer, 28, of Boise, 6:23 a.m.; booked at the Baker County Jail and later released.

Feb. 19 - Failure to Register as a Sex Offender: Sam Paul Jones, 46, of Baker City, 8:35 a.m., 39155 Pocahontas Road; jailed and later released.

Feb. 19 - DRIVING UNDER THE INFLUENCE OF ALCOHOL: Daniel Arden Larson, 57, of Spokane Valley, Wash., 5:56 p.m., 250 Campbell St.; jailed and later released.

Feb. 19 - Failure to Report as a Sex Offender, Post-Prison Supervision Violation and Failure to Appear (warrant): Michael Scott Tugman, 27, of Baker City, 10:37 a.m., 39155 Pocahontas Road; jailed.

Feb. 20 - Possession of a Controlled Substance: Floyd Rea Simonis, 49, 1735 Seventh St., at 11:41 a.m., Auburn and Oak Streets; jailed.

Feb. 20 - Animal Neglect II: Shyla Dawn Melchoir, 27, 45868 E. Gover Lane, Halfway, Ore., at 11:50 a.m., 37951 Hwy. 414; cited and released.

Feb. 20 - Criminal Trespass I: Anthony Curtis Dougherty, 32, 1226 Washington Ave., at 5:53 p.m. at his residence; jailed.

Feb. 20 - Criminal Mischief I: Nicholas Wade Glerup, 30, 1533 Sequoia Ave., Springfield, Ore., at 9:37 p.m., 1929 Main St.; cited and released.

Feb. 21 - Driving Under the Influence of Intoxicants: Anita Dawn Keller, 53, 1803 Annett St., Boise, at 7:16 p.m., 760 Campbell St.; jailed.

Feb. 22 - Parole and Probation Detainer (Multnomah County): Jeffrey Allen Finley, 32, of Portland, 11:08 p.m. at Broadway and Plum streets; jailed.

Feb. 22 - Driving Under the Influence of Intoxicants-Drugs: Mishelle Lynn Roberts, 46, of Boise, 9:47 a.m., at Auburn Avenue and First Street; jailed and later released.

Feb. 24 - Violation of Release Agreement (Union County warrant): Tiffany Steele, 4:17 p.m. Wednesday, at 3320 K St; jailed and later transported to Union County.

Feb. 26 - Warrant Arrest (Union County Warrant): Shawna Lee Kochsmeier, 36, of Baker City, at 7:41 a.m., 3410 K St.; jailed.

Feb. 26 - Warrant Arrest (Baker County Circuit Court Warrant): Melissa Lynn Thacker, 32, of Baker City, at 9:17 a.m., 3320 K St.; jailed.

Feb. 26 - Contempt of Court (Baker County Circuit Court Warrant): Travis James Darnell, DOB: 03/30/1992 1695 Auburn Ave # 212:40 2100 4th

Judgements

Jan. 20 - State of Oregon vs. Kenneth Roy Street for Unlawful Possession of Methamphetamine; class C felony.

Jan. 27 - State of Oregon vs. Jestin Lee Harding for Unlawful Possession of Methamphetamine; class C felony; and Giving False Information to a Peace Officer for and Arrest Warrant; class A misdemeanor.

Jan. 28 - Malhia Zink vs. Adam Zink for Domestic Relations Dissolution.

Feb. 1 - Samantha D. Esposito (Now known as Samantha D. Rowan) vs. Patrick Esposito for Domestic Relations Dissolution.

Feb. 16 - State of Oregon vs. Larry Dean Edison for Unlawful Delivery of Methamphetamine Within 1000 Feet of a School; class A felony.

Feb. 18 - State of Oregon vs. Adrianna Dione Morris for Contempt of Court violation. Defendant ordered to one year Bench Probation and 13 days in jail with credit for time served.

Feb. 23 - State of Oregon vs. David Andrew Wong for Probation Violation. Defendant ordered to continue probation as previously ordered.

Accidents

Feb. 18 - On Interstate 84, Milepost 350 east-bound: A gray, 2008 Honda Civic, driven by Destiny Carole Address, 24, of Saraland, Alberta, was traveling east bound in the A lane when she thought she was going to hit the rear trailer of a commercial motor vehicle driven by Dane Martin Johnson, 39, of Lacey, Wash., travelling in the B lane. Address steered left to avoid collision, drove onto the shoulder, and overcorrected, steering into the front left dual tire of the rear trailer. It appeared the trailer was in the B lane at the time of impact. The Honda then travelled left into the median, coming to an uncontrolled rest on its wheels with front end damage. Johnson stated the Honda was straddling the center freeway line prior to the collision. There were no injuries.

Baker City Physician Meets with Rep. Walden



Rep. Greg Walden met with physicians from Oregon, including Dr. Nancy Hutnak (far right), an emergency physician in Baker City. Dr. Hutnak currently serves as the President of the Oregon Medical Association. They discussed Walden's efforts in Congress to improve access to affordable, quality health care, especially in rural eastern Oregon. They also discussed efforts to combat the opioid epidemic in Oregon and improve the use of telemedicine services.

Submitted photo

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BLOOD DRAW

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March 17 18 19

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Powder River Conference Room
Use Administration entrance (old care center entrance) located in the back of the hospital near the ER entrance.

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If you have questions, call Laura Huggins at 541-523-8102.

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