

## Burns

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In New Mexico, Gov. Michelle Lujan Grisham signed legislation on March 18 that will clear the way for more prescribed fires by establishing liability standards for landowners who conduct them and creating a certification program.

In Oregon, a bill from state Sen. Jeff Golden, D-Ashland, would enact rules for prescribed fires and a certified burn manager program. He envisions Oregon having as many as hundreds of trained managers to supervise prescribed fires.

"I don't see that we have any option other than to increase the prescribed burns," said Golden, who is from the Rogue Valley, where wildfires tore into two towns last year. "We've got, across the Western U.S., a buildup of decades of fuels, and it's going to burn."

"So do you want to burn in a planned, strategic way that has an element of control to it, or do you want it to burn in megafires, with all the costs — human, animal, environmental costs — that that entails?"

It took years for forest managers to come around to accept and then finally embrace prescribed burning. In the first half of the 20th century, fire was seen as the enemy, with

federal and state forest managers believing prescribed burning damaged the environment, particularly timber, a commercial resource. But in the late 1960s and 1970s, federal forest managers began employing prescribed burns.

Yet scaling up the practice has been slow. From 1995 through 2000, an average of 1.4 million federal acres were treated with prescribed fire each year, far short of the 70 million acres that in 2001 were in critical need of fuel reduction to avoid high-severity wildfires, biologist David Carle said in his 2002 book "Burning Questions: America's Fight with Nature's Fire." Another 141 million acres also needed treatment.

Several cold realities are stacked against the latest plans: The periods between wildfire seasons when prescribed burning can happen safely are shrinking; some forests are too overgrown to ignite without thinning; and prescribed fires can shroud nearby towns.

"We have to be mindful of not pouring smoke into communities because that's a violation of the Clean Air Act," said Tim Holschbach, deputy chief of policy and planning with Oregon's Department of Forestry.

Furthermore, many landowners are reluctant to use prescribed fire because of fears of



**A Forest Service employee ignites a line of fire during a prescribed burn in the mountains above Sumpter in 2005.**

S. John Collins/  
Baker City Herald

thinned, more natural forest, there was a lot more space for the firefighters," noted Democratic Sen. Jeff Merkley of Oregon, who is pushing for more funding for forest treatment.

Scott Stephens, a professor of wildland fire science at the University of California, Berkeley, wants a big increase in prescribed burns, along with mechanical forest thinning, but predicts it will be gradual due to both a lack of people trained in it and of political and societal support.

The West, which is more susceptible to wildfires because of its vast wildlands and dry climate, has been stepping up prescribed burns.

In 2019, 3.7 million acres were treated by prescribed fire in the West, a 268% increase from 2011, the National Association of State Foresters and the Coalition of Prescribed Fire Councils said in a report.

Stephens said prescribed fire and restoration thinning should increase at least five-fold to turn things around and create healthy forests as Biswell, his predecessor at Berkeley, envisioned.

"Once you get areas treated, you have to come back in around 15 years for maintenance treatments. And this never ends," Stephens said. "This is a key point: The program has to last forever."

getting hit with steep costs.

Some states can hold burners liable for any property damage caused by an escaped prescribed fire. Others use so-called simple negligence standards, which require the burner to practice reasonable care. A plaintiff would need to prove negligence for the burner to be responsible for damages and firefighting suppression costs. Gross negligence standards make it harder to hold people accountable, requir-

ing plaintiffs to show burners acted with reckless disregard if fires get out of control.

To encourage prescribed burning on private lands, Oregon will explore shifting from simple to gross negligence.

Gov. Kate Brown signed legislation on June 11 that directs a state agency, in consultation with stakeholders, to study whether states with such standards experience more prescribed fires and more out-of-control fires. The review must

also examine the accessibility of insurance coverage for prescribed fires.

Prescribed burning has prevented disasters, and high rebuilding costs. In 2017, a wildfire threatened Sisters, but firefighters were able to control it because months earlier, crews removed trees and brush with machines, then ignited prescribed burns.

"The fire came to a halt, both because it had less fuels and also because in the

## Camp

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One protester was perched on top of a ladder, while others stood behind the barricade. Some shook the barricade and taunted officers, who announced that anyone who crossed the barricade would be arrested.

The only incident during the sweep came when a shirtless man with long black hair told an officer he needed to use one of the portable toilets in the camp. After officers denied entry, the man, later identified as 32-year-old Darren Hiatt, jumped over the barricade. He ran into the camp toward the

toilets, and was quickly tackled and arrested by five officers.

"This is what happens when you try to go to the bathroom in Bend, Oregon!" yelled one protester who declined to provide his name.

"He's unarmed. Why are there so many of you?" yelled another protester who declined to provide her name.

Protesters, including Richter, crossed the barricade and yelled at officers to release the man. Protesters who crossed the barricade were led by officers back to the other side, and Hiatt was escorted, handcuffed, through the camp to a police cruiser.

Hiatt was booked in De-

schutes County jail on charges of second degree criminal trespass, interfering with a peace officer and resisting arrest.

According to Richter, Hiatt is a resident of the camp. The bathrooms Hiatt wanted to use were set up by volunteers in an effort to keep the camp clean and to quell sanitation concerns from neighbors.

During the cleanup, several homeless advocates gathered outside Bend's first long-term shelter run by Shepherd's House Ministries, about two blocks south of Emerson Avenue.

The advocates represented Shepherd's House, Homeless Leadership Coalition, De-

schutes County, The Family Kitchen and REACH, a homeless service organization. They showed up to offer support to any homeless person who was displaced by the cleanup. The shelter is closed during the day, but Shepherd's House brought a van full of snacks and toiletries.

"We are here in case anybody does need extra support," said Colleen Thomas, homeless outreach coordinator for Deschutes County and chair of the Homeless Leadership Coalition.

A few homeless people from Emerson Avenue showed up, but many had already left the area.

Thomas and the other advo-

ates spent the past few weeks helping the homeless people collect their belongings and find other places to stay. Most had nowhere to go.

"Our hope is to continue to know where folks ended up so we can stay in touch with them," Thomas said, "and make sure they have extra tents and sleeping bags if they need it."

The city has long-term plans to purchase the Bend Value Inn and transform it into a shelter and find a location for a navigation center, where homeless people can go to receive services. Another plan includes finding publicly owned land around the county to create a managed camp.

None of those plans can help the homeless people evicted from Emerson Avenue, the advocates said.

Stacey Witte, the executive director of the homeless nonprofit REACH, said the situation shines a light on the gaps in options currently available to homeless people. They can legally camp in the Deschutes National Forest for two weeks or find spaces in the local shelters, but otherwise they have to find other places like Emerson Avenue.

"We keep moving this problem," Witte said, "and it's costing so much more money."

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