

FIRE

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fire while it continues to move south into the Malheur National Forest. Crews will begin to examine parts of the northern edge of the fire using hand-held infrared units that allow them to detect heat that would be otherwise invisible.

The fire is now staffed by 849 people: 24 crews, 42 engines, seven dozers, 25 water tenders, four masticators, five skidders and seven helicopters.

The cause of the fire, which started July 31 about 10 miles southwest of Unity, is still under investigation.

Malheur National Forest officials are imposing new restrictions to prevent starting any new fires. These restrictions are part of Phase C of Public Use Restrictions, which are put into place when there is a fire danger rating of extreme and the forest is at Industrial Fire Precaution Level 4.

These restrictions include bans on all campfires, allowing only liquid and bottle gas stoves and heaters, and prohibit all use of chainsaws and internal combustion engines with the exception of motor vehicles starting Wednesday, Aug. 24.

Additionally, generators are allowed only if they are placed in the center of a cleared area at least 10 feet in diameter, or are in a truck bed devoid of flammable material. RVs with factory installed generators must have the exhaust discharge centered in a 10 foot cleared area.

Off-road vehicle travel or travel on roads with standing grass or other flammable material is not allowed. All roads identified in fire closure orders

are closed. Smoking is only allowed in vehicles, buildings and developed recreation sites or when stopped in an area cleared of all flammable material.

In 2016 there have been 486 wildfires caused by humans with at least one known case of arson. This is an increase over the state's 10-year year average, according to The Oregon Department of Forestry.

"While you and your family are enjoying Oregon's great outdoors, I encourage you to not only be fire safe but be alert to any suspicious behavior and report it to local law enforcement officials," Gov. Kate Brown said in a statement.

Fourteen fires are currently being investigated as arson, including the Withers fire north of Paisley that has burned over 3,400 acres.

"Oregon continues to experience extremely dry conditions where any stray spark could spell disaster in any area of the state," State Fire Marshal Jim Walker said in a statement.

For more information on the restrictions, contact any of the following forest offices: Malheur National Forest Supervisor and Blue Mountain Ranger District office, 541-575-3000; Prairie City Ranger District, 541-820-3800; Emigrant Creek Ranger District, 541-573-4300.

To report a wildfire, call John Day Interagency Dispatch Center at 541-575-1321 or the Burns Interagency Dispatch center at 541-573-1000. Tips can also be made by calling the Oregon State Police at 503-375-3555 or 911 in case of an emergency.

For more information about the pre-evacuation notice, contact Grant County Emergency Management Coordinator Ted Williams at 541-575-4006.

ANXIETY

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Meanwhile, organizations that are familiar to farmers, such as local soil and water conservation districts, are hesitant to hold conservation easements precisely because they may someday be forced to litigate against future landowners who violate the terms.

"If someone comes around with the right amount of money, they can keep you tied up in court until you holler uncle," Ediger said.

Soil and water conservation districts have a long history of working with growers, so they've established a level of trust that outside organizations often don't have, said Jim Johnson, land use specialist with the Oregon Department of Agriculture.

"They're a local government with an elected board, so they're accountable to a local constituency," he said.

Lucien Gunderman, a farmer near McMinnville, also wanted to preserve his family's 720-acre property but felt that land trusts — which commonly hold easements — had an environmental agenda in their easement proposals.

"A lot of their stuff, I didn't like the way it was worded," Gunderman said.

For example, he wouldn't be allowed to continue operating a wood stove business on the property, as it was considered a commercial use.

Instead, Gunderman struck a deal with the Yamhill Soil and Water Conservation District under which the easement prohibits subdivisions and most construction while setting limits on logging the forested portion of the property.

'Perfect fit'

"With the district, it was a perfect fit," he said.

Larry Ojua, the district's manager, said not all properties match the district's goals. He has turned down four easement proposals.

One major consideration is whether the district has the resources to defend the easement. Gunderman, for example, provided the district with \$8,000 for its future administration.

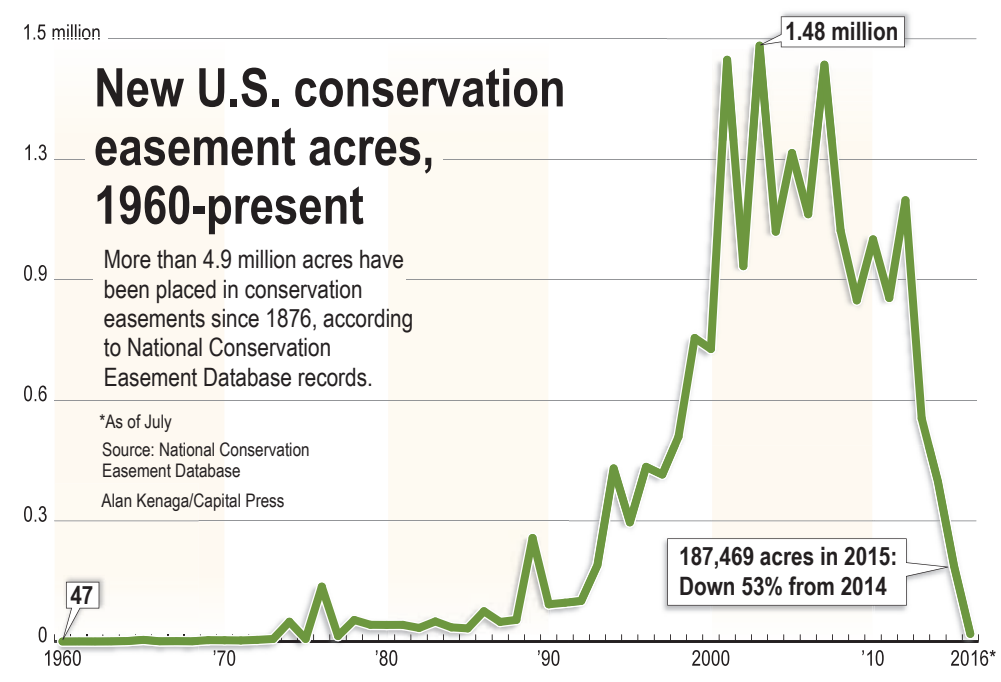
"We look at it selectively," said Ojua. "We're not really prospecting for properties."

Another factor is the prospect of forever monitoring to ensure the terms are being met, said Tom Salzer, manager of the Clackamas Soil and Water Conservation District, which is looking at the possibility of holding perpetual easements.

"For us, it's the overhead of staff time to do the annual monitoring and reporting," he said. "That's staff time we're not spending serving our core customer base."

'Not for everybody'

Woody Wolfe, a farmer and rancher near Wallowa in northeastern Oregon, shared the same trepidations as Edi-



ger and Gunderman but is now satisfied with his decision to sell an easement to a land trust.

"I can guarantee it's not for everybody," he said. "There has to be a fundamental desire within the person to agree with conservation."

In 2011, Wolfe sold an easement on roughly 200 acres to the Wallowa Land Trust for \$200,000 that allows him to conduct common farming practices on most of the property, though he can't subdivide it, use it for commercial purposes, or build new roads without permission.

About 36 acres are reserved for riparian habitat, which means he can't graze cattle or travel in a motorized vehicle on the land unless it serves an ecological purpose.

Wolfe is all right with the arrangement because a team of specialists overseen by the land trust monitors the 36-acre parcel and conducts conservation projects on it, which are funded with grants.

"I'm not responsible for implementing them," he said. "All I have to do is let them manage it."

Conservation work is a key aspect of the Wallowa Land Trust's mission that qualifies it as a charitable organization, said Kathleen Ackley, its executive director.

"There has to be some level of conservation for us to be able to work with a landowner," she said.

Entities that pay for easements — such as the USDA Natural Resources Conservation Service — must also ensure their money is helping the environment, which is why land management plans are often tied to the funding, Ackley said.

"Most easements are going to reference some sort of management plan," she said.

Mutually beneficial

In return, landowners get the benefit of an income tax deduction for the portion of the easement's value they donate, Ackley said. "It's a mutually beneficial strings attached."

The Oregon Watershed Enhancement Board, a government agency funded with state lottery dollars, is con-

stitutionally mandated to use those funds for projects that conserve wildlife habitat and water quality, said Meta Loftsgaarden, its executive director.

"We have an obligation to meet that bar," she said.

For the same reason, the agency must perform its own periodic monitoring of conservation easements — in addition to the easement holder's monitoring — and advise landowners when they fall short of complying with its terms.

Loftsgaarden said this dual monitoring may cause landowners to ask, "Why are you coming back here?"

Before 2012, when OWEB overhauled its regulations to make the easement program more transparent and accountable, the answer to that question often wasn't communicated clearly enough, she said.

"It's a permanent investment of public dollars, so the agency has to continue to track them," she said.

OWEB is also devising an "Oregon Agricultural Heritage Program" that would emphasize protecting actively farmed properties.

The program would not be funded with OWEB's lottery dollars, so it wouldn't have to focus on habitat and water quality issues, Loftsgaarden said. It's possible the Oregon Legislature will be asked to fund the program separately to prioritize agriculture.

"It can't come into the door unless it's a working land," she said.

A big advantage of having a conservation easement funded by OWEB is that the agency can rely on attorneys from the Oregon Department of Justice to enforce its terms.

So far, the agency hasn't had to take legal action, but the potential for such cases causes a lot of consternation among easement holders, even though they're relatively rare.

"When it does occur, it can take up a lot of your resources," said Johnson of ODA.

Oregon law restricts landowners from partitioning property within "exclusive farm use" zones into parcels smaller than 80 acres for

farmland and 160 acres for ranchland.

However, even such relatively large parcels can undermine a region's agricultural character if they're not actively farmed, Johnson said.

"They may be marginally farming but it's really just a large rural estate," he said.

'Money battles'

The fear is that someone with lots of money — a brash and litigious billionaire, perhaps — will be willing to outspend an easement holder in court to violate an easement.

"I've got more money than you, so what are you going to do?" said Fritz Paulus, an attorney specializing in conservation easements. "It sometimes turns into these money battles."

Easements are written to have "teeth" by requiring landowners to pay the holder's attorney fees if they lose a case, Paulus said. However, winning a judgment in court isn't the same thing as cash.

"Can you collect on that? It's a whole other issue," he said.

To deal with the problem of looming litigation, the Land Trust Alliance, which represents land trusts, founded the Terrafirma risk retention group.

Land trusts pay premiums into the program, pooling their money for the eventuality that a lawsuit must be filed to defend an easement.

Terrafirma handled 79 claims in 2015, up from 57 claims in 2014 and 38 claims in 2013, when the program was created.

"It usually involves a change in ownership, and someone who has not bought into the concept of a conservation easement," said Russ Shay, public policy director for the Land Trust Alliance.

Having such insurance can help discourage landowners from violating easements, since they know it will entail a legal battle, he said.

As government entities, soil and water conservation districts can't take part in Terrafirma, but Shay advises they set aside money for litigation for the same reason.

"Being prepared is half the battle," he said.

 ★ *- Thank You -* ★
 ★ The fifth annual Brother's Run was amazing. We had 69 runners participate this year. The community has supported The Brother's Run year after year. We are extremely excited to give 4-6 \$500.00 scholarships next spring to graduating Grant County seniors, in Taner Gilliam and AJ Dickens' names.
 ★ We had a great group of volunteers; this race would not have been possible without them. We would also like to thank everyone who made donations, ordered apparel and was a spectator. Support was given in so many ways and that is what made the 2016 Walk/Run so successful. This is a great community. I feel so blessed to live in such a supportive and caring place. This community has reached out for my two brothers on many occasions and it melts my heart. It never fails to amaze me how many people give their time, money and energy to honor AJ and Taner's memory.
 ★ I would like to thank all of our 2016 sponsors: Blue Mountain Cutting, LBA Cutting, R&S Self-Stor, Baker County Custom Meats, John Day Auto Parts NAPA, Huffman's Market, Oregon Telephone Corporation, Land's Inn, Outpost Pizza Pub and Grill, Bojen Inc, DP Home Entertainment Radio Shack, T&H Automotive, Ace Hardware, Tanni Wenger Photography, John Day Polaris, Cloud 9, Pepsi and Grant County Building Supply.
 ★ Thank you,
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 ★ Megan Workman
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