

FIREWISE

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project list and the documents go to Salem and the National Fire Protection Association for approval.

Jerome approves funding for community projects, which could include improving access by strengthening bridges or brushing roadways, improving emergency communication by setting up phone trees or gathering contact information, helping elderly or disabled neighbors with residential projects or providing improved mapping.

Kyle Sullivan at the Grant County Soil and Water Conservation District was hired for the map work, combining topography with county assessor data and other information. Jerome noted that the county provided important map information to the incident commander during the 2015 Canyon Creek Complex fire.

The Firewise program has seen some notable successes: Cleanup work around the Pine Creek Firewise community reduced impacts from the Canyon Creek Complex fire, Jerome said. Getting additional areas interested in becoming Firewise communities



Eagle file photo

A Firewise sign in the Pine Creek area outside of John Day. Dayville community members have also expressed interest in becoming a Firewise community, and a risk assessment was completed last year.

might require new approaches, however. Jerome, for example, is considering having local school students help spread the word through social media.

Public lands

In some places, communities want the federal government to do its part in reducing fire threats on nearby public lands. Jerome noted that developing Forest Service projects is hampered by National Environmental Policy Act requirements. A categorical exclusion to NEPA requirements limits projects to 70 acres, which is not adequate for

most fire projects, she said.

Talks nonetheless are underway for a fire project on the Malheur National Forest near the Laycock Creek area, which is in the process of being designated a Firewise community, Jerome said. A proposal also has been made for a project on the Umatilla National Forest near Monument, she said.

Jerome said she has traveled to Granite several times and met with the city council without successfully establishing a Firewise community. Granite is a "vulnerable community," she said, but

good news is on the horizon. The Ten Cent Community Wildfire Protection Project for lands on the Umatilla and Wallowa-Whitman national forests surrounding Granite was recently approved following a lengthy NEPA process.

The purpose of the project is to "reduce the risks of large and severe wildfires" and to protect firefighters by reducing ladder fuels and stand densities. The 37,800-acre project lies within the Granite Creek watershed and encompasses the communities of Granite and Greenhorn.

The multi-year project calls for commercial harvesting, small tree thinning, mechanical fuel treatments, landscape burning and roadside hazard tree removal. The project design also considered objectives identified in the Grant County Community Wildfire Protection Plan, which identified the Granite zone as a high-risk area.

According to Andrew Stinchfield at the North Fork John Day Ranger District, the Vinegar Fire in 2013 burned 1,200-1,300 acres west of Greenhorn. Blowing embers are the main threat, he said.

Stinchfield said the Forest Service hopes to sign off one

of the project's timber sales in September and start thinning projects in 2019. Funding will be needed for the thinning projects, he said, and some firewood opportunities are possible. Forest Service crews will work this summer on implementing the Ten Cent project, he said.

Other communities

How Dayville became interested in becoming a Firewise community is an unusual story. Following a wildfire at the Phillip W. Schneider Wildlife Area, the Oregon Department of Fish and Wildlife asked Jerome if Firewise money might be available for a greenhouse to grow plants for restoration work in the burned areas. Firewise funds couldn't be used for that purpose, but out of that contact came interest in making Dayville a Firewise community.

"The risk assessment was conducted in spring 2017. The next step is to pull together the community," Jerome said. "It's all community driven."

Interest in John Day grew following a tense fire season in 2013, Jerome said. A fire above Hillcrest Road coincided with the Grouse Mountain Fire near

Mt. Vernon. Some time later, a fire burned above the Charolais Heights neighborhood, followed by more lightning strikes and strong winds.

"What saved the situation was rain," Jerome said.

John Day could be divided by neighborhoods into separate Firewise communities, or the entire city could establish a single Firewise community, Jerome said. The latter is more practical, "but it depends upon what the people want to do," she said.

The Grant County Community Wildfire Protection Plan was completed in 2005. The county was one of the first in Eastern Oregon to do so, and the plan became a model for other counties. Jerome, who has a bachelor's degree in forestry from Oregon State University, updated the plan in 2013 and is working on the next update.

"It should be updated every five years," she said.

Jerome was invited to give a presentation at the National Fire Protection Association's conference at Myrtle Beach, South Carolina, in 2015. This year, she will give presentations at the OSU Extension's Tree School East in Baker City and the Oregon Fire Prevention Workshop.

TAX

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Timber investments

Bruce Dausavage, president of Ochoco Lumber Co., the parent company of Malheur Lumber Co. in John Day, told the Eagle he expects to see several positive opportunities in the new tax bill.

"We're constantly doing tax planning," he said.

As a limited partnership, Ochoco Lumber will not realize the advantages of the corporate tax rate reduction from 35 percent to 21 percent, and the company is too large to benefit from the first-ever 20 percent tax deduction allowed for small businesses, Dausavage said.

But there were other benefits in the bill, he said — especially the accelerated depreciation deduction, which will allow companies to write off investments in new equipment in one year rather than over seven to 10 years.

"We can now write off the entire amount and put the saved dollars back into our business," he said. "That will help the logging industry. It will spur equipment sales, and it could attract foreign investment."

Dausavage said Ochoco Lumber likely will invest in new pollution control and sawmill equipment as part of a plan to expand production in John Day.

"This is expensive equipment," he said. "Expanding production will mean modifying the existing facility."

The plans are not new, but the tax changes "pushed the plan ahead sooner," he said.

The lumber industry is capital intensive, Dausavage said, and the timber supply has changed over the years to smaller-yielding logs. About 10 percent of the timber brought to the mill in John Day was once small-diameter logs. Now it's about 70 percent, he said.

That means less of each



Eagle file photo

Blue Mountain Hospital CEO Derek Daly said hospitals expect to see increasing uncompensated care costs as the uninsured population rises as a result of the repeal of the Affordable Care Act's individual insurance mandate in the new federal tax legislation recently passed.

log ends up as lumber, but the sawdust, chips and shavings are sold to different customers, while the bark and other waste is burned in the mill's boilers, he said. The company also produces pellets, but the market for these non-lumber products is a "roller-coaster ride," he said.

Dausavage said the new tax bill has improved the opportunity to retain existing jobs. He noted that company employees will benefit from the doubling of the standard deduction and child tax credit and the lowering of individual tax rates.

"They'll get a raise in 2018, maybe by their second paycheck," he said.

Once withholding tables are adjusted, less money will be withheld in paychecks, he said. That's money employees could spend or sock away for retirement. Overall, a lower corporate tax rate could improve the stock market, which in turn could improve the performance of 401(k) retirement plans, he added.

"It's a trickle-down effect," Dausavage said, noting that this would depend on how corporations use their tax savings.

Health care impacts

Derek Daly, CEO of the Blue Mountain Hospital District, told the Eagle the new

tax bill could have negative impacts on hospitals, however.

"Hospitals really are not expecting to benefit from these tax cuts in the same manner that other organizations and individuals will," he said. "Part of this is due to the fact that most hospitals, clinics or health systems are non-profit corporations or government-related entities for which the corporate tax rate or business-deduction changes will not be applicable.

"The other aspect is that the bill as currently presented repeals the Affordable Care Act's individual insurance mandate, which will lessen the insured population. If anything, hospitals will expect to see increasing uncompensated care costs as the uninsured population rises."

In a Dec. 20 press release, Gov. Kate Brown also expressed concerns about potential impacts to health-care.

"Thousands of Oregonians stand to lose access to the life-saving health-care they rely on," she said. "And while Republicans work so hard to shove this bill through, they have still failed to take the obvious step to reauthorize the Children's Health Insurance Plan (CHIP), which provides access to care for over 80,000 children and pregnant women in Oregon. This is absolutely unacceptable."

Brown said she had directed the Office of Economic Analysis and Revenue Department to provide an analysis of how the new tax bill will impact Oregonians.

BENTZ

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Jones, a rancher and Baker County Republican Party chairwoman from Bridgeport, did not participate in the interview process.

Bentz and Wattenburg faced complex questions from the commissioners during the interview process and were allowed only a few minutes to respond to each question.

Grant County Commissioner Boyd Britton asked the candidates how they would address the growing financial problem with the state's Public Employees Retirement System.

Calling the PERS shortfall an "economic anchor," Bentz described his efforts in the House to address the problem. He noted that PERS is a "contractual obligation" and the state "needs to figure out how to pay it back." He said he spoke to union leaders several times, and he cited a city in Rhode Island that had declared bankruptcy because of retirement fund obligations.

"The party in power doesn't want to do anything until after the election, but there's always another election," Bentz said.

Wattenburg agreed that the state needs to honor its contracts, and he blamed the prob-

lem on changing demographics — maturing "baby boomers" and a large unemployment rate. Funding formulas for PERS, transportation and health care were not working, and the state needed to "start all over" and "restructure" how these fundamental needs were addressed, he said.

When asked about the growing national movement to deregulate marijuana, Bentz said he has been a consistent "no on pot bills" and his constituency was against legalizing recreational marijuana use.

"My position is clear," he said.

Wattenburg noted that he can look at marijuana as a physician and as a libertarian, where less government regulation is better. However, he would be "more no than yes," he told the commissioners. He acknowledged marijuana could provide some medical benefits, but many of the claims for medical benefits were "overblown."

"I haven't seen much good come out of recreational marijuana," he said. "There are more downsides than upsides."

When asked about federal management of public lands, Bentz noted that he opposed establishing the Owyhee Canyonlands National Monument in southeastern Oregon. He called on more involvement by

private interests when making these kinds of public lands decisions.

Wattenburg said a "monument should be something special," and he described how the area in northern California where he grew up had been harmed by poor public lands management.

"They can't manage the lands they have now," he said, calling the agency in charge of national forests the "Forest Circus" and adding, "They don't fight fires — they manage them."

When asked about last year's state transportation bill, Bentz noted he repeatedly contacted county commissioners and his constituents over four years as the bill developed. The loss of the timber industry had been a major blow to the Eastern Oregon economy and depleted funding for highways and roads, he said.

"I support what the county commissions and constituents ask me to do," he said.

Wattenburg agreed that the loss of the timber industry harmed the regional economy and that the bill "was sorely needed," but he didn't like all the "extraneous elements" in the bill. He said he would have preferred a straight gas tax with all the revenue earmarked for transportation needs.

POT

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"What they could do would be to provide testimony that the conduct of the defendant is legal and regulated under Oregon law, and it's approved, and whatever they're doing is entirely legal," Wykowski said. "That could be challenged, but that's the position I would advocate for them to take."

Perry Salzhauer, a Portland attorney and partner in the Green Light Law Group, a law firm specializing in the marijuana industry, said he wasn't sure whether testimony of that nature would be deemed relevant by a judge because there are no exemptions in the federal Controlled Substances Act for state compliance.

However, both attorneys noted that the court of public opinion may serve as a deterrent to bringing such cases before a jury in the first place.

"The best defense we have is the political system," Salzhauer said.

A similar case in Oakland, California, where the defense was prohibited from using such testimony, caused a "big uproar," Wykowski said, and prosecutors have since "backed off."

Wykowski said after the fact, when jurors learned the defendant was complying with state law and licensed by the city of Oakland, they sent a letter to the judge in that case saying that if they had known that the defendant was operating legally under state law, they would have voted differently.

In a civil asset forfeiture case, a state or locality could



Pamplin Media Group file photo

Oregon officials say they'll fight to protect state-regulated cannabis businesses from federal prosecution, but offer no strategies.

file a claim saying that the move was detrimental to their ability to collect taxes, as the city of Berkeley did in a case brought by a district U.S. Attorney's Office against the Berkeley Patients Group, a medical marijuana outlet.

Although that claim was rejected in the trial court, the case was dismissed before an appeal on the city's complaint could be decided, Wykowski said.

A provision in federal law, the Rohrabacher-Farr amendment — also known as the Rohrabacher-Blumenauer amendment — prevents the U.S. Department of Justice from spending money to interfere with the implementation of state medical cannabis systems, says Bear Wilner-Nugent, a Portland attorney.

To an extent, Wilner-Nugent says, Oregon's medical and recreational systems have been integrated: medical marijuana patients can buy the

product in the same shops that recreational marijuana consumers do, although patients are exempt from paying state marijuana taxes.

So interfering with the system as a whole could bolster a state argument that the federal government was interfering with the medical system in a way that's not lawful.

"State officials could argue that the Rohrabacher-Blumenauer amendment shields the state from federal interference in marijuana programs," said Wilner-Nugent.

Salzhauer said the state could also sue the federal government in civil court, arguing that the Controlled Substances Act is unconstitutional.

The 10th Amendment, which contains what's called the "anti-commandeering doctrine," prohibits the federal government from requiring states to enforce federal laws.

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 FRI & SAT (4:10) 7:10 9:35
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LADY BIRD (R)
 An artistically-inclined seventeen year-old comes of age in Sacramento, California.
 FRI & SAT (4:20) 7:20 9:40
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JUMANJI: WELCOME TO THE JUNGLE PG-13
 Teens discover an old video game console and are drawn into the game's jungle setting becoming the adult avatars they chose.
 FRI & SAT (4:00) 7:00 9:30
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