To the Oregon Department of Forestry
State Forester's Office 2600 State ST
Salem OR 97310-0340

Notice and Demand to Cease and Desist

This Notice and Demand to Cease and Desist limits in no way the extent to the scope of the subject matter covered. This Notice and Demand does not limit any summary and plenary remedies available to anyone but serves as the beginning of the lawful process necessary by the acts and omission to act of the various principles, or those accessory, in an effort to arrest the irreparable and immeasurable harm to the actual Public or People of the State of Oregon in acts committed by the Oregon Department of Forestry, the State of Oregon, the Oregon State Legislature, and other third part interest.

By this Notice and Demand to Cease and Desist you are made aware and in knowledge of the wrongs and continuing wrongs of which you have a sworn Duty, Obligation, and Responsibility to protect the Public or "the people".

For the Public record, as Preparatory to and Requisite of remedies, and for other purposes

To the Oregon Department of Forestry in the Consideration of SB 762 and resultant Administrative Rules

Greetings:
"Some of the worst things imaginable have begun with the best of intentions"
This letter provides notice to the Oregon Department of Forestry and the State of Oregon. Your decisions cause great concern to "the people" as from all aspects and appearances the attempts at implementing laws that have clear violations of the laws of the United States and the State of Oregon. I will first refer you to "**ORS 192.620 Policy.** The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c 172 1]". Official replies and responses that"concerns will be part of the public record" are deceptive and a clear violation of the protections granted all citizens by the Constitution of the United States as well as the Constitution of the State of Oregon.
The lack of public notice and involvement, lead to a strong public perception of an appearance of impropriety . This is pointed out after reading the controlling Statutes, in particular **ORS 477.490 Statewide map of wildfire risk -rules , (7) (b)** which states **: The map must: "*Be sufficiently detailed to allow the assessment of wildfire risk at the property-ownership level.*"**. The Administrative Rule that ODF is relying on states something totally contrary and states **"OAR 629-044-0220 Wildfire Hazard Zones -(2) It is not the intent of OAR 629, division 044 that Wildfire Hazard Zones be determined on a tax lot or an ownership specific basis, but rather that a landscape approach be used".**

Here we must consider the existence of Governor Kate Brown's "**Oregon's 20-Year Strategy Framework**
Framework for Developing Oregon's 20-Year Strategy that Prioritizes
Restoration Actions and Geographies for Wildfire Risk Reduction

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Framework for Developing the 20-year Strategy Page 2

Purpose of this Framework Document

On **August 13, 2019, a Memorandum of Understanding (MOU) on Shared Stewardship** was signed by state and federal officials to document the commitment of the State and the United States Forest Service to work collaboratively to create a shared stewardship approach for implementing land management activities in the state of Oregon.

Subsequently, on July 19, 2021, Governor Brown signed into law Senate Bill 762 (SB 762 - an act relating to wildfire; and declaring an emergency) which, in Sections 18-20 (Reduction of Wildfire Risk) directs the Oregon Department of Forestry to design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure. SB 762 also directs the department to develop a 20-year strategic plan, as described in the Shared Stewardship Agreement signed on August 13, 2019, that prioritizes restoration actions and geographies for wildfire risk reduction.

This Framework document is intended to address how state and federal agencies plan to implement the directives and intentions of the Shared Stewardship MOU and SB 762. This Framework is part overview and part workplan. Its aim is to clarify the work needed and to create alignment among interested parties. It includes a proposed governance structure to support agency coordination and decision-making, a proposed mechanisms for Tribal and Stakeholder engagement, and proposed processes and approaches for developing the 20-year Strategic Plan."

It is extremely important to consider the following from the same document:

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Senate Bill 762

Senate Bill 762 is comprehensive legislation passed with bipartisan support provides more than $220 million to help Oregon modernize and improve wildfire preparedness through three key strategies: creating fire-adapted communities, developing safe and effective response, and increasing the resiliency of Oregon's landscapes. The bill is the product of years of hard work by the Governor's Wildfire Council, the Legislature, and state agencies.

In addition to the Shared Stewardship MOU, SB 762 guides the work outlined in this Framework. Section 18 of SB 762 (Reduction of Wildfire Risk), states

The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure.

SB 762 also directs ODF to develop a 20-year strategic plan as described in the Shared Stewardship MOU, engage with tribes and stakeholders, and provides criteria to prioritize landscapes for treatment.

Wildfire Management Strategies

Strategic efforts to address wildfire at the national and state levels are also relevant to Shared Stewardship and the 20-year Strategic Plan. These include The National Cohesive Wildland Fire Management Strategy and the Oregon Governor's Council on Wildfire Response.

The National Cohesive Wildland Fire Management Strategy was published in 2014. It responds to a Congressional mandate to develop a strategy that comprehensively addresses wildland fire management across all lands in the United States. The National Strategy establishes three goals:

• Restore and maintain landscapes: Landscapes across all jurisdictions are resilient to fire-related disturbances in accordance with management objectives.
• Fire-adapted communities: Human populations and infrastructure can withstand a wildfire without loss of life and property.
• Wildfire response: All jurisdictions participate in making and implementing safe, effective, efficient risk-based wildfire management decisions

The first goal, Restore and maintain landscapes, is directly relevant to Shared Stewardship and its vision of healthy and resilient ecosystems. The National Strategy addresses hazardous fuels management, federal investment in reducing fuels and a prioritization process with regional and national components.

The Governor's Council on Wildfire Response was established by Executive Order 19-01 on January 30, 2019. The Executive Order directed the Council to review Oregon's current model for wildfire prevention, preparedness and response given increasing wildfire risks. Following its review, the Council recommended comprehensive change and proposed adopting the framework proposed by the National Cohesive Wildland Fire Management Strategy."

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Eight of the Council's recommendations focused on restoring and maintaining resilient landscapes:
• Leadership & Governance regarding the deployment of significant state resources for restoration treatments.
• Near-Term Capital Infusion
• Prioritization
• Near-Term Restoration Treatments
• Building Project Pipeline
• Capacity Building
• Program Expansion including prescribed burns, restoration treatments on rangelands, and timber monetization
• Long-Term Barriers: increase pace and scale of annual treatments and leverage the opportunity presented through the Shared Stewardship Agreement to coordinate efforts with the US Forest Service

These recommendations were carried to preceding legislative assemblies and culminated in the passage of Senate Bill 762 by the 2021 Legislature."

It is clear that a **Dispute Resolution Based "Consensus Based Process "** has been used in this attempted illegal intrusion into Private property Rights, and consistent efforts undertaken to fast track these attempts. These actions combined with no protective response from any part of the legislative bodies is an unacceptable breach of your fiduciary duty to the people of the State of Oregon. The fact that a direction and attempts to punitively harm "the people" are already being made while "the people" were kept out of the Public Input Process.

Allowing a 'consensus based process' to stand in place of legitimate public input is a violation, and is fundamentally in contradiction of the Constitution of the United States, and the Constitution of the State of Oregon . It is an affront to actual involvement of the Body Politic. These consensus based process' are an unlawful intrusion to our decision making process, they are considered to be an adjunct. I will first refer to **ORS 192.620 policy:** The Oregon form of government **requires** an informed public aware of deliberations and decisions of governing bodies and the information upon which such

decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c 172 1]. Official replies and responses that " concerns will be part of the record" are deceptive and a clear violation of the protections granted all citizens by the Constitution of the United States as well as the Constitution of the State of Oregon. The lack of Public Notice and involvement, leads to a strong public perception of an appearance of impropriety. The following passage from the beginning of ORS 183.502 explains the actual illegal usage of any "Consensus Process" to make war on The People by attacking Constitutionally protected, granted rights. ORS 183.502; Authority of agencies to use alternative means of dispute resolution , model rules, amendment of agreements and forms; agency alternative dispute resolution programs. **(1) Unless otherwise prohibited by law.** The **Oregon Administrative Procedures Act section 183.400 (4) (a)** specifically addresses the invalidity of any rule by stating "(4) The court shall declare the rule invalid only if it finds that the rule: **(a) Violates constitutional provisions**;"

The law mandates a Public Input Process that is well defined though willfully ignored by the the Policy Consensus Practitioners. Instead a falsified public input process has been substituted to create a false history of public acceptance. Involvement by "stakeholders" and numerous NGO organizations that are financially supported by organizations both inside and outside of our State is an unrealistic intrusion by a few overreaching into the lives of the entire population threatening granted rights that is in direct conflict of both Federal and State law.
It can only be concluded that the entire process that has been used, constitutes a broad based scheme of artifice that does not give the actual consent of or allow the ability of "the people" of the State of Oregon to give legitimate public input. Any Consensus based Public Input Process involvement by third party beneficiaries or " Stakeholders" and documented as "Consent" to proceed is hereby rejected. The falsified historical record of NGO organizations funded by national groups and wealthy individuals that provide undue influence upon the Public Input Process is also rejected as no true public consent has been given nor sought. This plan in it's conception and further implementation constitute an unlawful infringement and harm besides having no lawful authority to proceed.

The Oregon Admissions Act states the following " **Preamble.** Whereas the people of Oregon have framed, ratified, and adopted a **constitution of State government which is republican in form, and in conformity with the Constitution of the United States**, and have applied for admission into the Union on an equal footing with the other States; Therefore—". This statement approved by Congress and simply stated creates a relationship of specific performance. There is no foundation for the Governor's actions to go unchecked as her latest action is far outside of the boundary of a **"constitution of State government which is republican in form, and in conformity with the Constitution of the United States".** There is nothing in the language of either Constitution or Statute that allows for dictatorial powers, and the Supreme Court of the State of Oregon Ruling clearly establishes a limit to the power given by statute. Our region has been devastated by smoke for years, fire, and now long term unreasonable intrusions and restrictions. We must stand in the concept of consent of the governed and limitations of power.

Any use of the policy consensus stakeholder input process here, if used, is a fraud. This isn't a dispute resolution. The input required by the law of the state of Oregon is to be that of the people. I respectfully demand that you consider actual statements of citizens of the State of Oregon, and not the fraudulent voices of manufactured stakeholder consensus from the radical environmental activists that wish to "transform" our economy, with no verifiable successful test case, and the potential of nothing but punitive harms forced upon the citizens of Josephine County as well as the entire State of Oregon . This issue is critically important as much of our current policy direction has been brought forth via the stakeholder groups especially selected for your pre-determined outcome of implementing "Sustainable

Development".

The implementation of SB 762 as written is a clear and present danger to the economic stability of all residents of the State of Oregon as well as a clear violation of your fiduciary duty and obligation to protect citizens based upon concern for the health, safety, and welfare of the citizens. As a citizen/producer **I do not consent** to the state pursuing radical environmentalism in the form of "Restoration" as a byproduct of implementing Sustainable Development policy. 1000 Friends of Oregon isn't my stakeholder, Southern Oregon Climate Action Now is not my stakeholder, nor is Oregon Wild and a myriad of "gang green" Consensus Based Process stakeholder groups.

As to the rest of this faulty legislative and administrative agenda, I would add that we are not demanding a "climate fix" using the misleading term "Forest Restoration" that has no net benefit to the citizens of the State of Oregon. These schemes of artifice born from the sustainable development-addled technocrats in the legislature and administration have no real foundation or place within the Laws of the United States or laws of the State of Oregon. We are demanding the full withdrawal of this legislation to ensure peaceful life, commerce, and the absence of the potential punitive harms that would decimate the economy.

The limitations of impositions and the possibility of potential harms are why laws exist. The Constitution of the State of Oregon states that every man has a remedy. "The people" seek such remedy and thus inform you that if necessary accrued evidences shall be forwarded to appropriate Federal Agencies that exist to protect "the people" from such overt disregards and infringements of constitutionally protected granted rights.
The following is from a recent Supreme Court of the United States decision it is found here: McDonald v. City of Chicago, Ill., 561 US 742 - Supreme Court 2010

*3050 Third, Justice BREYER is correct that incorporation of the Second Amendment right will to some extent limit the legislative freedom of the States, but this is always true when a Bill of Rights provision is incorporated. Incorporation always restricts **experimentation and local variations**, but that has not stopped the Court from incorporating virtually every other provision of the Bill of Rights. **"[T]he enshrinement of constitutional rights necessarily takes certain policy choices off the table."** *Heller,* 554 U.S., at 636, 128 S.Ct., at 2822. **This conclusion is no more remarkable with respect to the Second Amendment than it is with respect to all the other limitations on state power found in the Constitution**

The above statement is not from a fringe source, while it in whole made to address 2nd Amendment issues the entire content is substantive, it is from a Supreme Court Justice of the United States and may allow you to reflect upon the current direction of the Oregon State Legislature, "policy is not law" and a current legislative disparity in numbers does not allow for the destruction of our way of life and infringement of granted rights.

It is noteworthy to address your communication to private property owners by consideration of your statements under **" Applicable Law"** where it is stated that "The Oregon Board of Forestry is charged with supervising all matters of forest policy and management under the jurisdiction of the state. ORS 526.016. Under the general supervision of the Board, the State Forester implements the state's forest policies. ORS 526.008: ORS 526.041." Reading ORS 526.041 #**3** clearly states
"Direct the improvement and protection of forestland **owned** by the State of Oregon.

The Fourteenth Amendment to the Constitution of the United States of America Section 1 states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”;

In summary, it is only realistic to point out that Los Angeles is now a fire adapted community, and thus it is respectfully demanded that the Oregon Department of Forestry immediately “Cease And Desist” all action and consideration, and efforts at implementation of SB 762.