

April 27, 2020

Senate Committee on Natural Resources and Wildfire Recovery

**Re: Firsthand Observations of Work on Roadside Hazard Tree Removal**

Dear Senator Golden and members of the committee,

My name is Eric Phillips. I was born and raised in Mill City, Oregon. Since I was young I have enjoyed spending time on the Santiam, Breitenbush, Clackamas and McKenzie rivers. I come from a family that has worked in the logging industry. I lived through the timber wars and recognize the importance of logging to Oregon's economy.

I currently work for an aerospace company. In January I decided to take on extra work so that I could make additional money. I applied for work with CDR Maguire on the roadside hazard tree removal project managed by ODOT.

I worked in a variety of positions and on different stretches of highways along Oregon's rivers over a 12 week period. I served as a monitor. I worked with falling and clean up crews. I left disgusted by the harm being done to Oregon.

I read the OPB article recently published and I agree with the statements made by the arborists in the story. I felt a weight lift from my shoulders that others were willing to come forward and share their truth. I write to share what I observed first hand.

**My Direct Observations**

I worked stretched of the McKenzie River highway and there I saw the work that a local Oregon contractor did to remove trees, clean up slash and process stumps. This work was exemplary. I noted it was done because the contractor was local and cared about Oregon and how they did their work on the project.

As I worked I learned that most of the people working the job traveled the country living from disaster to disaster trying to make as much money as possible.

As time went on I saw many non-hazardous trees being marked to cut, and marking at a rate that would not be possible if people were following the guidelines.

I witnessed trees not tagged for removal being cut down too. I got in trouble by CDR supervisors when I tried to hold the fallers accountable, and bring up other issues, for cutting trees that were not tagged in violation of contracts. I was a monitor that was reprimanded for doing my job, and because I cared about Oregon.

I witnessed the cutting of trees by contractors who then did not do the clean up needed to allow the land to support new tree growth. Oftentimes, slash and other debris was left that would increase fire risk. They would also use the ODOT right of way

boundaries to move debris and logs out of the 25-30' buffer zone to avoid the cleanup and still get paid.

I learned that people were being certified as arborists in the system who did not have qualifications and/or knowledge of Oregon trees. Mostly CDR employees did the tree removal tagging allegedly "under the supervision" of an arborist using an unproven phone application.

I saw marking happen of live deciduous trees in January by a contractor from Florida who said the tree was dead because it had no leaves - of course it did not - it was January!

When I worked on a marking crew we were pressured to mark as much as possible. Instead of marking around 30-35 trees per day, as the guidelines would have allowed, we were pressured to mark hundreds of trees per day.

Some environmental contracting was hit or miss regarding the Environmental Action Plan on most job sites regarding falling operations. For example, wetlands were to be protected. I saw one wetland near Idanha that was significantly impacted by falling operations. I saw cutting in wetlands that were supposed to be protected near Milepost 58 on the Santiam Highway (photos attached). I saw trees dropped into rivers.

Entire areas were clearcut, and the application we used - called Krinkle - resulted in nearly every tree - dead, live, far from any road - being designated a hazard.

I also observed there was no active ODOT oversight of contractual obligations being met or enforced in some of the fire affected areas. Even consultants contracted by ODOT were never active in enforcement or oversight, if they were present at all. I often witnessed contractors not working, sitting in their trucks and recording time.

### **ODOT Response to OPB Article**

I have seen the response from Lindsay Baker from ODOT dated April 14, 2021. In it ODOT claims aims that is not removing more trees than "absolutely necessary" and doing so with "surgical" precision to address "imminent" hazards. Yet it is using guidelines that predict 50 percent of trees will die and 50 percent will live. The guidelines specifically state that it is not to be used to predict hazards. By this measure out of 100 trees, 50 might live and less are hazards. This not "absolutely necessary" "surgical" or taking care of "imminent" risks.

This is hurting Oregon, and adding insult to injury. The truth is I and others on the job were under pressure to mark as many trees so contractors could make as much money as possible. There was a lack of real oversight.

As to the rules that they not take trees that are not an imminent hazard, that is totally not being upheld. They were and are clear cutting entire areas. They were

cutting **any** fire damaged tree that is 1.5 to 2 times tree length from the roads/structure. These trees may fall, but they would fall in the woods.

One time they had an arborist pull just 5 tags per acre at one time to leave "habitat trees" at a request of an environmental consultant. And that even got ignored or stopped after a couple weeks. I did not see consideration given to impacts to Oregon's Wild & Scenic Clackamas River. Instead I saw a culture of milking disaster funds and a thirst to cut big trees, even if they posed no hazard, were far from the road and helping to stabilize steep banks.

As to the claim that things changed since Tom Ford, yes, they changed all the time. This caused confusion and inconsistent outcomes. For example, before I left, they did change a process to where they started marking "optional trees." This was something that really bothered me because now the tree fallers had discretion to cut it down or not. And they usually always cut them down for the money is paid out per tree. This was along the Clackamas in Riverside.

### **Out-of-State Contractors**

While out of state contractors were provided rental cars and stayed in hotel rooms along with other per diem benefits at taxpayer expense, those of us in Oregon had to pay for our travel time to the job site at times. Much of the workforce had experience on hurricanes, but many had little to no-fire experience. I met many fire affected people applied and wanted jobs, even some that were hired and still neglected benefits and pay scales comparable to the CDR imported work force.

While there may have been some out-of-state people who cared about Oregon and took pride in their work, I saw many who did not care about Oregon and how our forested rivers corridors would come back after they were done.

As an Oregonian, I was disgusted. There are plenty of people here in Oregon that could do this work, and do it with care. I feel that the work should stop and be evaluated. Experts need to be brought in to ensure that further damage is not done to Oregon's rivers and scenic byways. The financial incentives are all wrong, the oversight is lax or nonexistent, the ODOT managers are out of their depth - the result is bad for Oregon and a huge waste of taxpayer money.

I share this with you because the mess being left behind is an abuse of public trust and taxpayer investment. I ask you to do something before it is too late.

Sincerely,  
Eric Phillips  
971-239-6728  
Salem, Oregon

**Photo of hundreds of live trees marked to cut between Lyons and Mill City**



**Aerial Overview of Wetland Impacted by Cutting at Milepost 61 East of Idanha**





## Wetland in Aerial Photo, Overhead Photo

