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March 3, 2025

VIA E-MAIL ONLY: pelissierdr@gmail.com

Daniel Pelissier
239 Pine Lake Drive
Eagle Point, OR 97254

Re: Petition for Public Records Disclosure Order
Oregon Department of Forestry
DOJ File No.: 629400-GA0021-25

Dear Mr. Pelissier:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to order the Oregon Department of Forestry (ODF) to disclose a list 2019 fires that went to litigation to recover the fire suppression costs. Your petition explains that ODF told you it did not have that information. You state that this information should be readily available by looking at ODF's Fire Claims Status Report, which you attached to your petition.

In response to your petition, we contacted Assistant Attorney General Matt DeVore, ODF's DOJ-assigned contact counsel. He reiterated ODF's position that ODF has no records responsive to your request. He indicated that the report attached to your petition was used for a presentation to the Emergency Fire Cost Committee. He stated that the report is a snapshot of cost collection activities that occurred since the last quarterly committee meeting. He added that the report is not an all-inclusive list of cost collection fires for ODF, but instead includes only those activities that relate to the Oregon Forestland Protection Fund. He also noted that the report does not include a column to indicate which cost collection fires proceeded to litigation, and that this is not a metric that is actively tracked by ODF in any existing record.

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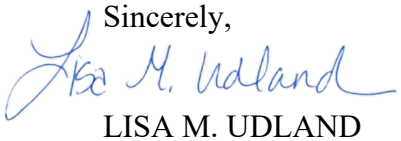
Under the circumstances, we have no reason to second-guess ODF's representation that the records you seek do not exist. And because we cannot order ODF to disclose a record that does not exist, we must respectfully deny your petition.

Sincerely,



LISA M. UDLAND
Deputy Attorney General

DEP:pjn
c via e-mail only: Jessica Neujahar, Public Affairs Officer, Oregon Department of Forestry
Matt DeVore, Assistant Attorney General, Department of Justice