

## Oregon Administrative Rules 629-041-0100

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#### Procedures for Contracts, Agreements and Renewals

(1) Pursuant to ORS 477.406(2), all agreements entered into by the forester or by a forest protective association, with each other, with a federal or state agency, political subdivision, corporation, responsible organization or responsible landowner or group of landowners for the prevention and suppression of fire shall be negotiated in accordance with the requirements and limitations of ORS 477.406 to 477.412 and this rule.

(2) All negotiations for contracts or agreements pursuant to section (1) of this rule shall be:

(a) Limited to matters provided in ORS 477.406(1).

(b) Conducted by representatives authorized to act on behalf of their organization, where applicable, and that are knowledgeable in wildland fire protection systems or a relevant specialty addressed in the contract or agreement.

(c) Conducted in good faith with the intention of maintaining a complete and coordinated forest protection system for the State of Oregon that is effective in carrying out the policies of ORS Chapter 477 and is economically efficient.

(3) Upon completion of negotiations and agreement by the parties, the contract or agreement will be timely reviewed (though not necessarily prior to its effective date) for adherence to the requirements of relevant statutes and rules according to the following:

(a) The Board shall review any base level contract or agreement between the forester and a forest protective association.

(b) The State Forester or designated representative shall review:

(A) Any contract or agreement that is supplemental to an existing base level agreement between the forester and a forest protective association; or

(B) Any contract or agreement with any other governmental agency or cooperator that affects areas outside a forest protection district or more than one forest protection district.

(c) The district warden or designated representative shall review any contract or agreement with any other governmental agency or cooperator that affects lands only within the warden's jurisdiction.

(d) Notwithstanding this section, any other applicable provision of law requiring a different standard of review or approval shall still apply.

(4) Notwithstanding section (3) of this rule, the Board may, at any time it is aware that a contract or agreement is to be negotiated under this rule, require the contract or agreement to be approved by the Board before its becoming effective.

(5) Any contract or agreement negotiated in accordance with this rule shall include a provision allowing the timely and prospective correction of deficiencies that may be found as a result of the review required in section (3) of this rule, or termination of the contract or agreement.

Stat. Auth.: ORS 526.016(4) & ORS 526.041

Stats. Implemented: ORS 477.406

Hist.: DOF 3-2001, f. 3-14-01, cert. ef. 3-15-01

NOTE: This copy of OAR 629-041-0100 does not contain the temporary amendments adopted by the Board of Forestry on March 23, 2009. The temporary amendments add to but do not change the existing rule and are not relevant to the review of the forestland protection agreements.