

2007 Oregon Forestland Classification Review: Final Report, Executive Summary

Oregon Department of Forestry



Lead Preparer: Jeff Behan, Technical Writer
Editorial Oversight: John Buckman and Dan Shults, Oregon Department of Forestry

Acknowledgements

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Issue summaries were paraphrased from work completed by Melvin Thornton and Jim Stearns and the Wildland-Urban Interface Subcommittee, Mike Totey and Mike Dykzeul and the Coordination Assurance Subcommittee, George Ponte and Lee Fledderjohann and the Transitional Lands Subcommittee, and discussions during meetings of the review Steering Committee. Rick Gibson completed the work for the Statute Review Subcommittee. Kathleen Gomez compiled detailed notes for each Steering Committee meeting. Steering Committee members provided comments on an earlier draft.

Steering Committee and subcommittee participants are listed in Appendix C.

Executive Summary

The Oregon Department of Forestry (ODF) Protection from Fire Program provides wildfire protection on about 16 million acres of Oregon forestland. One principal source of revenue for this protection is a “forest patrol assessment” from owners of protected forestland. For many decades, lands have been classified and assessed according to whether they are primarily suited for *timber production* (Class 1), *timber and grazing* (Class 2), or *grazing or other agriculture use* (Class 3).

The ODF forestland classification system originated when conflicts arose between timber and grazing interests over the use of fire to develop and maintain grazing land in southwestern Oregon. One result of this conflict was passage of the Forest Land Classification Act by the Oregon Legislature in 1937. By the 1950s, the system had been adopted statewide with significant regional variation in interpretation and application.

Today, the wildfire protection environment, land uses, and values at risk in Oregon are much different. Oregon’s population has increased, and demographics and settlement patterns have changed. People are moving into areas of wildland fuel and building or buying homes within a matrix of this flammable vegetation. Wildland-Urban Interface areas now cover significantly larger portions of many forest protection districts and contain thousands of high-value private dwellings.

As a consequence of social and ecological trends, the complexity and costs of the ODF fire protection program continue to escalate. Many of the conditions under which ODF’s forestland classification system was originally established no longer apply. In response to frequent issues and questions arising with field classification efforts, in early 2007 ODF Fire Program executive staff formally initiated a thorough review of the statutes, rules, and policy that make up its forestland classification framework.

This report documents the process, issues addressed by, and recommendations of the 2007 Oregon Forestland Classification Review.

Review Process

The review was conducted by a Steering Committee and several subcommittees consisting of stakeholder agencies, landowners, and ODF staff. The Steering Committee clarified key issues using feedback from ODF districts, sought additional input from the ODF Leadership Team, and organized *Wildland-Urban Interface*, *Transitional Lands*, *Coordination Assurance*, and *Statute Review* subcommittees. Each subcommittee met several times in 2007 to discuss and formulate recommendations for their topic area. The Steering Committee met periodically during this time to receive subcommittee updates and to discuss and provide guidance on their draft recommendations.

The final two Steering Committee meetings in late 2007 were open forums for constructive dialog to promote understanding of the issues and recommendations, and of different stakeholder perspectives. A consensus process was used to document the degree of support that existed among stakeholders for each recommendation.

A Tools Subcommittee was chartered in mid-2007 to implement review recommendations, including development of a policy and guidance manual and computer-based information management tools. The Tools Subcommittee began working in late summer 2007, with a target completion date for their tasks of June 2008.

This report will be submitted to the Division Chief for the Protection from Fire Division. The division will analyze and implement the recommendations that have merit. The methods needed to implement the recommendations will largely dictate implementation timeframes. Certain recommendations can be dealt with through internal directives and guidance while others would require more lengthy processes associated with changing Oregon Revised Statutes or Oregon Administrative Rules.

Subcommittee Reports and Recommendations

Three subcommittees prepared reports on their respective work processes, issues, and recommendations. Occasionally, similar or overlapping recommendations submitted by more than one subcommittee were merged into a single recommendation that met the intent of each group. Recommendations were finalized by January 2008.

The Wildland-Urban Interface Subcommittee work and recommendations focused on:

- More clearly articulating ODF's wildfire protection role in the WUI
- A set of criteria for assessing WUI forestland that could be applied consistently
- Defining the WUI as it relates to ODF forestland classification
- Determining whether a specific WUI land class was needed
- Raise awareness that a stable source of funding for the Conflagration Act is necessary to help partners fund fire suppression efforts on large fires in WUI areas

The Transitional Lands Subcommittee work and recommendations focused on:

- Definitions of Class 2 and Class 3 lands
- The scope and duties of forestland classification committees
- The need for assessment on lands in rights-of-way and certain agricultural uses within protection districts
- Location of protection district boundaries to allow for efficient fire protection
- Continuation of efforts initiated after the 2004 Fire Program Review to bring more unprotected lands in eastern Oregon under some type of wildfire protection

The Coordination Assurance Subcommittee work and recommendations focused on:

- Updating forestland assessment methods to make them more consistent and clear, and minimize variation in how they are administered
- Improving coordination and defining appropriate roles and responsibilities among ODF districts, county assessors, and classification committees
- Determining whether a centralized database of classification information is needed

Recommendations from the Wildland-Urban Interface, Transitional Lands, and Coordination Assurance Subcommittees are collated in Table 1, below. Each of these recommendations is placed into one of four categories:

- **Significant policy change**, stakeholders affected in significant ways
- **Minor policy change**, most stakeholders not significantly affected
- **Internal ODF agency change**, mainly procedural, stakeholders not affected
- **No change** or validation of an existing practice

Each recommendation is numbered. Those numbered with a “W” prefix originated with the Wildland-Urban Interface Subcommittee. Recommendations with a “T” prefix originated with the Transitional Lands Subcommittee. Recommendations with a “C” prefix originated with the Coordination Assurance Subcommittee.

Recommendations from the Statute Review Subcommittee are collated separately in Table 2, below.

Table 1. Recommendations: Wildland-Urban Interface, Transitional Lands and Coordination Assurance Subcommittees

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
	Significant Policy Changes				
W4	ODF staff coordinates with OSFM to help identify a stable funding source for costs associated with Conflagration Act mobilizations. Funding source should not be tied directly to the Oregon Forest Land Protection Fund charges currently assessed to landowners.	short-term, w/long term solution	OSFM/ODF Fire Division in coordination role	H	ORS Change (OSFM)
W9	Provide guidance through Statute/OAR that allows for review and classification of forestland by 40-acre blocks.	medium-term	ODF Fire Division/Tools Subcommittee	H	OAR
W10	Include in statute the following definition of "interface": " <i>areas where structures and other human development/improvement intermingle with forestland</i> ". Include in the definition of Class 1, Class 2, and Class 3 forestland that "Interface areas may be included within each class."	long-term	ODF Fire Division	H	ORS Change
W11	Consolidate all forestland classification statutes into one ORS chapter (e.g. 526). . Remove "primary use" wording.	long-term	ODF Fire Division	L/M	ORS Change Housekeeping
T1	Provide written guidance to forestland classification committees regarding classification of forestland within public and private transportation rights of way: " <i>A 'transportation right of way' may be any roadway, railroad or utility corridor. When these areas are contiguous to forestland, they will also be considered as forestland and classified in the same manner as surrounding forestland. This classification and subsequent assessment will apply to the entire right-of-way.</i> "	short-term	ODF Fire Division	L	Address with policy Statement and Guidance

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
T5	<p><u>Classification Committee Scope and Appointees</u></p> <ul style="list-style-type: none"> Amend ORS 526.310(1) to add one member to a single-county forestland classification committee that is appointed by the local fire defense board. Amend ORS 526.310(1) to allow the option for county government to convene multi-county Forestland Classification Committees. Amend ORS 526.310(1) to provide for the membership of multi-county classification committees as follows: two members each to represent the participating counties, one member jointly appointed by the participating counties, one member appointed by the State Fire Marshal, one member appointed by the state Extension Service, one member appointed by the State Forester. Amend ORS 526.310(1) to provide clarification on the interests of members appointed by the appointing authority. For the two members appointed by each participating county, at least one must be the owner of forestland or a representative thereof. If grazing lands are suspected to be present in the area to be classified then the other member must be the owner of such lands or a representative thereof. If no grazing lands are present then both members must be the owner of forestlands or a representative thereof. Provide written guidance to forest protection districts that calls for inter-district coordination in the appointment of the State Forester's representative when a forestland classification committee will be classifying lands in multiple forest protection districts. 	long-term	ODF Fire Division	H	ORS Change
C5B	<p>Include a resource availability premium or surcharge, over and above the extra cost items when submitting a bill for reimbursement in areas not being assessed fire patrol to address the true cost of procuring and managing these resources. This should allow for proper reimbursement to the ODF district and/or the EFCC. (Note: After deliberation, the Subcommittee dropped this recommendation)</p>	NA Recom- mendation dropped	NA	NA	NA

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
C9G	<p>All parcels within an ODF Protection District should be examined for classification.</p> <ul style="list-style-type: none"> • Give each classification type, including “non-forestland” lots or areas within a lot, a code for use by county assessor’s offices in their respective databases. • For purposes of potential lot combinations for assessment, the Tools Subcommittee should include provisions in the assessment manual that clarify the recent HB3044A. • There should be no minimum size lots for ODF assessments. • A forest protection district or classification committee should review lands within the county or district by legal 40-acre blocks to evaluate appropriate classification of forestland. Authority for this level of review should be addressed with an OAR. (Note - addressed in recommendation W – 9) • Exemptions (non-forestland classification) should not be allowed on an individual lot basis within a sub-division or area of like fuels. Subdivisions or areas of like fuels and probability of fire suppression needs should be classified alike. • All lands within a forest protection district should be reviewed at a minimum of every five years. • A consistent process should be followed statewide for updating and maintaining Forest Patrol Assessment rolls: <ul style="list-style-type: none"> 1. When subdivisions of lots occur within a forest protection district, the current land classification of the “parent” lot shall be applied to all “children” lots until such time that a review occurs from the local forestland classification committee or district. 	Short-Term/ Long-term	ODF Protection Division/Tools Subcommittee	H	Guidance Manual Assessment Directive

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
	<p>2. When land-use changes periodically occur, all classified forestlands should stay with their original classification until such time that a new classification is determined by the local forestland classification committee.</p> <p>3. Local districts should work collaboratively with their respective county assessor's office(s) in reviewing current assessment rolls and updating assessment rolls per the directive on Assessment of Forestland for Fire Protection.</p> <p>4. County assessor's office(s) should be made aware through direction by the Department of Revenue that any time an "improvement" is added to a currently classified tax lot with no previously existing improvements, the OFLPP surcharge will automatically be added to that tax lot. ODF's responsibility to certify all changes annually and to audit to insure accuracy will not change.</p> <p>5. Work with Department of Revenue and counties to seek standardized language or protection descriptions used on property tax statements for identifying assessments used by ODF and the OFLPP. Limitations to available numbers of characters and even lines of data will complicate this effort. Even with limitations, a coordinated effort should occur. Information circulars/brochures should also be considered as a viable method to describe services associated with the charge.</p> <p>6. On lands under the Direct Bill system, ensure that those lands with an improvement are being assessed the surcharge. Tools Subcommittee should clarify this in the assessment manual.</p>				

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
	Minor Policy Changes				
W5	Minimize wildland protection by ODF within city limits. However, it is appropriate for ODF to assess for and provide wildland fire protection in certain areas within city limits, provided that the ODF forest protection district, local classification committee, and the city all agree that wildfire risk there warrants such protection. These will typically be high fire danger areas with a potential for expenditures from the Oregon Forestland Protection Fund (OFLPF).	short-term	WUI/Tools Subcommittee	H	Guidance Manual
W8	State Forester should establish rules that clarify the responsibilities and actions of forestland classification committees.	medium-term	ODF Fire Division	H	OAR
T2	Provide written guidance to forestland classification committees regarding classification of agricultural lands within forest protected districts: <i>“Unprotected agricultural lands (i.e. those not protected by a wildland or structural fire agency) which are tilled or in a reserve program (e.g. CRP & CREP), and routinely have enough vegetative growth to constitute a fire hazard in the judgment of the committee, and are immediately adjacent to Class 1, Class 2 or Class 3 forestlands should be considered Class 3 forestland. If such lands are already protected by a structural fire agency a classification committee may still classify those lands as described if the committee finds that the classification is warranted.”</i>	short-term	ODF Fire Division	M	Short-term guidance/long-term OAR adjustment
T3	Amend OAR 629-045-0010 (1) Class 3 Lands to read as follows: <i>“Lands classified as Class 3 pursuant to ORS 526.324 or 526.340 may include unprotected lands that by the nature of their fuels, topography, fire risk, and proximity to forestlands are a threat to forestlands and have no effective natural or human-made fire break between said lands and existing Class 3 lands. Requirements for an effective fire break will be determined by the local forestland classification committee and be based on local physical conditions and predicted fire behavior. In this recommendation “unprotected</i>	medium-term	ODF Fire Division	H	OAR

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
T4	<p><i>lands" are those that are not protected from fire from a formal, recognized wildland or structural fire agency."</i></p> <p>Through guidance or administrative rule, allow forestland classification committees to play an advisory role to the State Forester in establishing forest protection district boundaries and provide similar advice to county governments on which lands are appropriate for designation as Zone 1 lands and how those lands should be protected.</p>	medium-term	ODF Fire Division	M	Guidance Manual
T6	<p>Clarify ORS 526.324 through OAR to provide more clarity and improve consistency on how certain lands are classified. Specifically:</p> <ul style="list-style-type: none"> Clarify 526.324 (b) to define Class 2 forestlands, east of the Cascade crest, as those forestlands capable of producing at least 20 cubic feet per acre, per year (20 ft³/ac/year) at the culmination of mean annual increment (CMAI). Forestlands in eastern Oregon of lower productivity should be designated as Class 3. Clarify 526.324 (c) to define Class 3 forestlands, west of the Cascade crest, to be those lands that are currently being used primarily for grazing or agricultural purposes or properties that represent similar lands with residential structures or other improvements. "Currently" means at the time of review by a forestland classification committee. □ 	medium-term	ODF Fire Division	H	OAR
C1	<p>Update and revise the <i>Assessment of Forestland for Fire Protection</i> directive and submit it for consideration and approval through ODF Protection and Executive staff. (See Appendix H for a recommended draft directive from the Coordination Assurance Subcommittee.) This directive is a vital part of ODF policy promulgation to field staff.</p>	short-term	ODF Fire Division/ Coordination Assurance Subcommittee	H	Directive

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
C7	Dedicate a Protection from Fire FTE position to ensure coordination and oversight of district assessment rolls (similar to the old Assessment Supervisor position). This position could be used for coordinating maintenance of the <i>Forest Patrol Assessment Central Archive Database</i> , training of new field staff on forest patrol assessment, maintaining current directive(s) and policy, coordination with outside agencies, and periodic audits of district activities and assessment rolls. Short term: use a limited-duration or temp position; Long term: Work to make this a permanent position.	short-term	ODF Fire Division	H	Fire Division consideration
Internal Agency Changes					
W2	Include in Community Wildfire Protection Plans an explanation of dual area of responsibility/jurisdiction where landowners pay both an assessment by ODF and an <i>ad valorem</i> tax by Fire Districts.	short-term	ODF Fire Division/Field Districts	L	Guidance Public Education
W3	Provide the brochure explaining the reasons for the improved lot surcharge and to whom it applies to landowners subject to SB 360.	short-term	ODF Fire Program/Field Districts	L	Guidance Public Education
W7	Include in the <i>Forestland Classification and Assessment Guidance Manual</i> a decision-tree/flow chart to help forestland classification committees determine where ODF should assess lands in the WUI.	short-term	WUI/Tools Subcommittee	H	Guidance Manual
C2	Develop a <i>Forestland Classification and Assessment Guidance Manual</i> to help train county/district committees and ODF personnel in methods for making consistent determinations of which lands to assess. Several procedural items contained in the old "directive" would become the framework contained in this manual. The finished manual is a critical and necessary piece to assuring consistency in application of the detailed recommendations.	short-term/long-term	Tools Subcommittee, maintained by ODF Fire Division	H	Guidance Manual
C3	Hold a workshop to train ODF and county assessor personnel in consistent interpretation and application of <i>Forestland Classification and Assessment Guidance Manual</i> procedures.	short term	ODF Fire Division	M	Training Session Winter/Spring 09

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
C4	Maintain relationship with Oregon Department of Revenue and follow up with them for assistance in providing direction to county assessor offices on updated forest patrol assessment roll procedures.	Short-term/long-term	ODF Fire Division	M	Staff Coordination
C6	Develop a <i>Forest Patrol Assessment Central Archive Database</i> and a process to maintain it. This will, 1) serve as a back-up for ODF district and county data; and 2) allow ODF to review and evaluate assessment rolls on a statewide level to help assure consistency.	Long-term	ODF Fire Division	M	Department IT initiative (FBII)
C8	Forestland Classification Committees: Timing of meetings and assessment should be determined by the local forestland classification committee based on county population growth or areas of expansion. Committee shall be convened at a minimum once per year to discuss work plan and areas to concentrate their annual efforts.	Short-term	ODF Fire Division/ODF Districts	M	Guidance Manual
Validation of Existing Practice					
W1	Maintain ODF assessment and local fire department <i>ad valorem</i> tax.	short-term	NA	NA	NA
W6	Charge unbudgeted district costs (extra costs) directly to the responsible jurisdiction for extra costs of firefighting in areas not protected by ODF. To avoid confusion, clearly state these services in a mutual aid agreement between ODF forest protection district and the local fire department. Extra cost fire suppression services may require an additional agreement with clear ordering protocols for fires on lands not threatened, assessed or protected by ODF.	short-term	ODF Field Districts	H	Validation of current processes
T7	Continue efforts to implement recommendations of the 2004 Fire Program Review Protection Coverage Work Group. ODF shall seek opportunities to work with other agencies, county governments, landowners and other stakeholders to define landowner responsibility as the foundation for fire protection across the state. Primary objective: adjust State policy so that uncontrolled wildland	long-term	ODF Exec. Staff	H	--

Rec #	Recommendation	Timeline	Whose Task?	Priority	Implementation Method
C5A	<p>fire, regardless of location, is considered a public nuisance and the landowner has a responsibility to take "appropriate action(s)" when a fire is likely to adversely impact adjoining property owners.</p> <p>Develop or identify a mechanism for reimbursement of "extra" resource costs (e.g. aviation) beyond mutual aid expenses for areas not being assessed for forest patrol. This should allow for proper reimbursement to the ODF district and/or the EFCC.</p>	short-term	ODF Fire Division/ODF Districts	H	Develop appropriate fireline agreements

Table 2. Recommendations: Statute Review Subcommittee

**POSSIBLE STATUTE AND ADMINISTRATIVE RULE CHANGES
Based on the recommendations of Statute Review Subcommittee
OREGON DEPARTMENT OF FORESTRY - FORESTLAND CLASSIFICATION REVIEW**
November 30, 2007

RECOMMENDED HOUSEKEEPING & MINOR STATUTE AMENDMENTS:

ORS	CONCERN RECOMMENDATION
477.001(11)	The current definition of "forest protective association" is very broad and could potentially require that organizations which are not true forest protection associations be allowed to participate in a District's budgeting process. <i>Revise the definition of "forest protective association," to reflect Oregon's current forest protection system. Note: Relates to ORS 477.240 and 477.245 amendments.</i>
477.001(12)	The definition of "forest resource" does not make mention of trees. <i>Amend the definition to include "forest tree species" and add a definition of "forest tree species" which is similar to that in ORS 527.620(6).</i>
477.220(1)	The wording of this statute implies that ODF has a responsibility to protect forestlands outside of a forest protection district. <i>Clarify that ODF is responsible only for the protection of forestland that is within a forest protection district.</i>
477.220(2)	The forest patrol assessment does not apply to federal lands "for which adequate protection is provided," but this term is not defined. <i>Define or better explain what is meant by "for which adequate protection is provided."</i>
■ 477.225	This statute allows for creation of forest protection districts and contains language regarding what lands within those districts are to be protected by ODF. <i>Narrow the language of the statute, so that it speaks only to the creation of forest protection district boundaries.</i>
● 477.225	This statute requires the "State Forester" to promulgate forest protection district boundaries, however, the Board of Forestry is the actual promulgating authority. <i>Change "State Forester" to "State Board of Forestry."</i>
477.235 and 477.250(1)	These statutes are the only ones in the forest patrol assessment sequence of statutes that use the term "tentative budget". <i>Delete the word "tentative".</i>
477.240	As worded, this statute may allow multiple organizations to participate in a District's assessment budgeting process, not just traditional forest protection associations. <i>Revise the definition of "forest protective association," to reflect Oregon's current forest protection system. Note: Relates to ORS 477.001(11) amendment.</i>
477.250(2)	The argument could be made that the addition of any land to the rolls requires notice, even if 19.9 acres paid the year before and .1 acres of the same lot is added. <i>Change the first sentence to read: "Whenever the forester determines that any privately owned lot or parcel..."</i>
477.260	This statute allows an owner of forestland to file an appeal of a District's budget but it does not say with whom the appeal is to be filed. <i>Clarify that appeals are to be filed with the Board of Forestry.</i>
477.270(2)	This statute appears to make an incorrect reference to ORS 477.230(2). <i>Research the inclusion of this reference and amend or delete, as needed.</i>
477.281(1)	It appears the special assessment authorized by ORS 477.060 cannot be collected, because it is not listed in this statute. <i>Include the ORS 477.060 special assessment in this statute.</i>
Chapter 477	There is no clear statement that Chapter 477 applies only to lands in and within 1/8 mile of a forest protection district. <i>Clarify in the appropriate location that Chapter 477 applies only to lands in and within 1/8 mile of a forest protection district.</i>
526.305 to 526.340	This series of statutes does not reflect today's practices and conditions. For example, members of a classification committee, once appointed, serve for life. <i>Generally "clean up" these statutes, using language similar to that which will be in ORS 477.027 to 477.057 (related to Forestland-Urban Interface Classification Committees) after January 1, 2008.</i>
526.305 to 526.340	There is no clear authority for the Board of Forestry to promulgate administrative rules which relate to forestland classification committees or the classification process in general. <i>Add authorization for the promulgation of appropriate administrative rules.</i>

526.310(1)	In appointing members to a forestland classification committee, a county governing body must appoint one person who is an owner of grazing land. <i>For counties which have no grazing land, allow the county governing body to make two committee appointments without restrictions.</i>
526.320	A forestland classification committee must study all "forestland." Technically this is impossible, because no land is "forestland" until the committee's work is completed. <i>Amend this requirement to say a committee shall "investigate and study all potential forestland."</i>
526.320	A forestland classification committee must study "all forestland within its county." This creates unnecessary work, when lands are outside a District. <i>Amend this requirement to say a committee shall "investigate and study all forestland within a forest protection district."</i>
526.340	This statute allows the State Forester to classify forestland if there is no committee or if a committee does not act for two years. It is unclear when the two year point is reached. <i>Clarify when the two year point is reached, using language similar to that which will be in ORS 477.057(1) after January 1, 2008.</i>

RECOMMENDED STATUTE AMENDMENTS:

ORS	CONCERN RECOMMENDATION
476.280	This statute may conflict with ORS 478.310(4). It potentially requires landowners paying forest patrol assessment to pay for wildland fire suppression actions by city fire departments or rural fire districts. <i>Define "unprotected area," by inserting the same language now used in ORS 478.310(4).</i>
477.250(1)	The statute requires that notice of a District's public budget meeting be published in one newspaper of each county having lands in the District. This is an expensive requirement and serves little or no public benefit in certain locations. The Lincoln County portion of the Northwest Oregon Forest Protection District and the Curry County portion of the Southwest Oregon Forest Protection District are examples. <i>Delete the newspaper notice requirement in counties which have very small amounts of private ownership in the District or when all of the lands are owned by the federal government.</i>
477.250(2)	A letter must be mailed to a landowner whenever their land is added to the forest patrol assessment rolls, no matter how long or why the land was off the rolls. Depending on timing, this requirement may force the lands to remain off the rolls an additional year. <i>Revise the notification requirement to obligate ODF to send the required notice only when the land has been off the rolls more than 5(?) years.</i>
477.270(1)(b)	There is currently no mechanism to collect unpaid direct bill forest patrol assessments from the owners of forestland not subject to ad valorem property taxes. <i>Create a collection mechanism, using language similar to that now in ORS 477.068(1).</i>
477.270(1)(c)	There is currently no mechanism to collect unpaid forest patrol assessments from government entities. <i>Create a collection mechanism, using language similar to that now in ORS 477.068(1).</i>
477.277	There is currently no mechanism, and maybe no authority, to collect the improved lot surcharge from the owners of forestland, when the direct bill process is used. <i>Create a mechanism by which the owners of improved forestland, who are subject to the direct bill process, also pay the improved lot surcharge.</i>
477.295(4)	To combine lots, for forest patrol assessment purposes, the landowner must pay a fee of \$25 and recertify the combination annually. These requirements are administratively excessive and unnecessary. <i>Eliminate or reduce the \$25 fee and the annual recertification requirement.</i>
Chapter 477	The terms "forestland," "grazing land," and "timberland" are confusing to the public and do not always properly describe today's on the ground situation, especially in interface settings. <i>Replace these terms with something which better describe the current situation. Perhaps use "protected land" or "resource land" in lieu of "forestland."</i>
478.010(2)(c)	This statute allows dual protection and payment for lands having a structure and which are within a rural fire district. Similar authority does not exist in other protection situations, such as structures protected by a city fire department or by a county service district. <i>Move this statute to ORS chapter 476 and add a provision which authorizes dual protection and payment, where forestland containing a structure is also protected by a city fire department or a county service district.</i>
478.150	Prior to forming or expanding a rural fire district into a forest protection district, this statute requires that ODF be "conferred with." Such consultation does not always occur and ODF is not given clear legislative direction to respond. <i>Require that ODF provide a written statement about the fire protection status of forestland within a forest protection district, when formations or annexations involving such lands may be involved.</i>
526.005(5)	The ORS chapter 526 definition of "forestland" differs from the definition of "forestland" in ORS chapter 477. <i>Amend the ORS chapter 526 definition, so that it is better aligned with the definition in ORS 477.001(9).</i>
526.320 and	These two statutes require a classification committee to identify and classify forestland based on a determination of what the land is "primarily suitable for." This does not reflect

526.324	today's situation of multiple uses or the frequent presence of structures. <i>Remove the "primarily suitable for" criteria and add recognition of the fact that structures may be present in any classification.</i>
526.340	This statute allows the State Forester, without consultation, to classify forestland when a classification committee has not been appointed or if the committee does not act for two years. <i>Amend the statute to require that the State Forester appoint an advisory committee and that the advisory committee have the same composition as a county forestland classification committee.</i>

RECOMMENDED STATUTE MOVES:

ORS	CONCERN RECOMMENDATION
476.310 (part) and 476.320	These statutes authorize a county to create Zone 1 lands and to assess the landowners for wildland fire protection. Lands within a city or within a rural fire district may not be included in a Zone 1. These statutes make numerous references to ODF and make only one reference to OSFM. ORS 476.320(2) allows Zone 1 lands to be treated as if they were subject to ORS chapter 477. <i>Move the Zone 1 portions of these two statutes to ORS chapter 477, in order to consolidate all forestland classification type statutes in one location.</i>
478.010(2)(c)	This statute allows dual protection and payment for lands having a structure and which are within a rural fire district. Similar authority does not exist in other protection situations, such as structures protected by a city fire department or a county service district. <i>Move this statute to ORS chapter 476 and add a provision which authorizes dual protection and payment, where forestland containing a structure is also protected by a city fire department or a county service district.</i>
526.305 to 526.340	These statutes, which created forestland classification committees and define their responsibility, are outside of ORS chapter 477. <i>Move these statutes to ORS chapter 477, in order to consolidate all forestland classification type statutes in one location.</i>

RECOMMENDED NEW STATUTES:

RECOMMENDATION	None.
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RECOMMENDED STATUTE & ADMINISTRATIVE RULE DELETIONS:

ORS	CONCERN
477.220(3)	This statute allows owners of forestland in a rural fire district to decline protection from the rural, but it conflicts with ORS 478.010(2) (c) which does not allow such lands to be part of a rural.
526.350	This statute requires that forestland classification rules "promote the primary use for which the land is classified." This requirement does not reflect today's situation of multiple uses or the frequent presence of structures.
629-045-0005 629-045-0010	These rules speak to "undeveloped grass lands." This term is not defined and no such classification exists.

RECOMMENDED NEW ADMINISTRATIVE RULES:

RECOMMENDATION	In ORS 477.295(3), when combining lots for forest patrol assessment purposes, the meaning of "contiguous" is not clear. For example, are two lots separated by a platted road "contiguous"? Define "contiguous." Utilize the now unused rule promulgation authority of ORS 477.295(5). Provide guidance and direction to Forestland Classification Committees and to ODF staff on the forestland classification process. This relates to the Housekeeping and Minor Statute Adjustments item to "Add authorization for the promulgation of appropriate administrative rules."
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