

Fire Protection Coverage Working Group

White Paper



"Stewardship in Forestry"

October 2004

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Fire Protection Coverage Working Group White Paper

Executive Summary

The fire protection system in Oregon has evolved over time. The areas protected, and the type of protection provided has been based on landowner needs, desires, and their willingness to organize and fund these efforts. This process has resulted in approximately 6 million acres of wildlands in Oregon that have no agency or organization responsible for suppressing wildfires. Most of these lands occur in remote areas of the state involving areas with low population density, and relatively low resource values.

Many of the fires that occur on these lands remain small with action from landowners, or no action at all. However, some of these fires grow to become large fires that cause damage to adjacent landowners resources and property, become a hazard to public safety, and are expensive to suppress. Since 1996, at least 120 fires involving lands without fire protection, have burned over 240,000 acres with a suppression cost approaching \$9 million. After removing 4 large fires, the average suppression cost for the remaining fires was \$8,400.

Legislative efforts to address the issue in 1997, 1999, and 2003 were not successful, due primarily to not having a consensus approach for resolution. The current effort involves a diverse working group that involves a wide range of interested constituents. These include a variety of landowner groups, county government, structural fire protection organizations, wildland fire protection organizations, and the insurance industry.

The group worked through a series of questions to assist them in their deliberations. The questions were:

1. Should all wildlands in Oregon have some type of fire protection?
2. Should unprotected wildlands that could threaten ODF protected lands have some type of fire protection?
3. What level of protection from wildfire should be provided?
4. Who should be responsible for providing wildland fire protection where it is not currently provided?
5. What should the role of government be in establishing and providing this wildland fire protection?
6. Who should pay for the availability costs and suppression costs associated with providing wildland fire protection?

A wide variety of alternatives were considered, and the recommendations reflect a combination of these alternatives. This approach recognizes that current situations and needs will vary from place to place, and allow an informed discussion and choice by landowners and county government.

The general philosophy of the recommendations include:

- The role of landowners is to maintain a base level of responsibility for using fire wisely, managing fuels on their property, and taking appropriate suppression action on fires.
- The role of county government is to serve as a facilitator of community objectives and develop an approach to meet those needs.
- The role of state government is primarily to assist these efforts and to help make them successful. This would involve providing technical assistance related to organizing, equipping, and training for wildland fire suppression, prevention, and mitigation. They would also provide assistance with grants, planning, and appropriate suppression assistance.

- The role of the federal government would be to assist through providing grants, Federal Excess Personal Property (FEPP), and participating in agreements as appropriate.

Implementation of these recommendations are broken down into short- and long-term efforts.

Short-Term

- Incorporate this issue into the ongoing community fire planning process.
- Build understanding, acceptance, and support for the recommendations with the counties, Association of Oregon Counties, landowners, and a variety of interest groups.
- Assist Rangeland Protection Associations in being successful in the short term by providing assistance related to the cost of their liability insurance, and through providing an ODF position to provide technical assistance.

Long-Term

- Work towards defining what the responsibility of the landowner is in statute.
 - Work towards defining what the role of county government is and establishing in statute.
 - Work towards defining a protection buffer around ODF protected lands and associated issues.
 - Work with the federal government to allow transfer of ownership of FEPP equipment to fire organizations.
 - Consider establishing an agreement between the State and each county that links action by the county with assistance from the state.
 - Develop an evaluation time frame and adjust approach as appropriate.
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I. Issue Description

Oregon contains approximately 6 million acres of mostly private lands that have no one individual, organization, or agency responsible for fire prevention and suppression actions. Wildland fires in these areas have burned adjacent landowner resources, structures, and improvements; threaten public safety; and have other impacts on residents and the general public such as closing highways. While many of these fires remain small and have limited impacts, several have become large, damaging, and expensive fires to suppress. An incomplete record of fires involving unprotected lands exist, but since 1996, there have been at least 120 fires that have burned over 240,000 acres with suppression costs approaching \$9 Million. After removing 4 large, expensive fires, the average suppression cost for the remaining 117 fires was \$8,400.

In addition, this working group was originally tasked with looking into a related issue associated with structural fire protection. Since that time, the Governor's Fire Service Policy Council established a parallel effort to address the issue of continuing to provide catastrophic fire protection to communities outside a structural fire jurisdiction. Some additional discussion related to the connection between these two efforts will occur in this document, but will be considerably less than originally envisioned. Due to this parallel effort, the primary focus of this paper is on wildland fire protection.

II. Background

A. History of Fire Protection in Oregon

Fire protection in Oregon has remained closely tied to the landowners needs, willingness, and ability to pay. From the start, most aspects of fire protection in the state of Oregon have been established and funded according to affected landowners' wishes. The information below is somewhat simplified as it does not contain all aspects and organizations that have historically or currently provided fire protection.

1. **Private Forest Land Fire Protection** - Organized fire protection for private forestlands began in the early 1900s with the formation of Forest Fire Protection Associations. These organizations consisted of groups of landowners coming together to provide fire protection to membership lands. These “Operating Associations” controlled all aspects related to the level of protection and funding of their activities. By design, this system did not protect all forestlands. Over the years, some of these “Operating Associations” went out of business for a variety of reasons, but mostly related to their ability to remain solvent financially. The system evolved to provide protection to all private forestland in the state. Three operating Forest Protection Associations continue to provide fire protection in Oregon. The remainder of the state is provided protection through the Oregon Department of Forestry. For these state protection districts, the local forest protection association landowners continue to play an active role related to determining the level of protection, reviewing and approving annual budgets, and providing resources for the overall fire protection system.
2. **Federal Land Fire Protection** - The various federal government agencies that manage lands began providing fire protection to their lands in about the same timeframe as the private forestlands. The level of fire management capacity has changed over time from a very extensive level of protection to a much more managed, intensive approach that includes fuels management and the use of fire to meet resource management needs. The USFS and BLM are the primary federal agencies involved in wildland fire suppression and management in Oregon. In western Oregon and western Klamath County, the Oregon Department of Forestry has provided fire protection to BLM lands for many years. The protection was initially provided by agreement, and most recently through a contract. Other federal agencies with fire programs in Oregon include: National Park Service, US Fish and Wildlife Service, and the Bureau of Indian Affairs.
3. **Non-Forested Private Land Fire Protection** – The level of wildland fire protection on non-forest lands continues to vary widely. In many areas, no individual, organization, or agency has responsibility for providing fire protection. Many of these areas are remote, have low populations, and low land productivity. When a fire occurs in these areas, some of the ways they are addressed are through: local, individual landowners taking action; adjacent, threatened organizations taking action to protect their own interests; or no action taken. Several other options exist as well. A Rural Fire Protection District may exist and provide wildland fire protection. Generally, these RFPDs are formed primarily for structural fire protection, but will provide wildland fire protection as well.

The Ironside Rangeland Fire Protection Association has existed for 41 years to provide wildland fire protection in northern Malheur County. In recent years, five additional Rangeland Fire Protection Associations have formed. These are groups of landowners that come together to form an organization that provides fire protection to their members. Their equipment and staffing are generally the same that they use for their normal work on their lands, and are minimally funded operations.

An additional method of providing fire protection has been establishment of Zone 1 lands, where the county arranges for wildland fire protection services. Grant County is the only county that currently uses this method, and contracts with the Oregon Department of Forestry for these services.

4. **Structural Fire Protection** - Structural fire protection districts were formed through the years as a result of desires of the residents. Both municipal fire departments and rural fire protection districts are established and funded by those living within the respective jurisdiction. Fire departments primarily provide structural fire protection, emergency medical, rescue, and related services. Depending on the nature of the district, some level of wildland fire protection may be provided as well. As the structural fire protection system has evolved, there remain structures in Oregon that do not have fire protection. These exist as isolated structures, as well as those in subdivisions and small developments.

B. Current Situation

1. Current Fire Protection System (Figure # 1)

The table below outlines how wildland fire protection is currently provided in the state of Oregon. It contains information related to who protects what lands, the level of protection provided, the role of government, and how it is funded. The current delivery system continues to reflect the role of landowners in developing and providing for their own protection.

Figure 1. Current Fire Protection System

Organization	Where Applied	Level of Protection	Role of Government (County, State, ?)	Who Pays?
Federal Agencies (USFS, BLM, NPS, USF&WS)	Wildlands owned by the Federal Government, though some exceptions exist)	Fully trained and equipped initial attack forces in key locations, with assistance from outside the local area for large / complex fires	Protection provided by the Federal Government	Funded by federal Congressional appropriations.
Rural Fire Protection Districts	Wildlands within the boundaries of an established Rural Fire Protection District. Generally does not apply to lands protected by Federal Agencies. Some overlap occurs with ODF Protection (structure plus up to 5 acres to RFPD, and remainder to ODF)	Trained and equipped initial attack forces generally located to provide best structural protection within the RFPD boundaries. Varying amounts of wildland suppression experience and training.	Protection provided by a Rural Fire Protection District as established by law. Minimal standards established. (ORS Chapter 478)	Funded by taxes collected from homeowners / landowners within the Rural Fire Protection District. Generally through a tax on assessed value.
Oregon Department of Forestry	Private, and other wildlands within the boundaries of an established Forest Fire Protection District. Provides protection to BLM lands in Western Oregon.	Fully trained and equipped initial attack forces in key locations, with assistance from outside the local area for large / complex fires	Protection provided by State Government. (ORS Chapter 477)	Funded by a combination of forest landowners within the District (roughly 2/3 of local initial attack), the State General Fund (roughly 1/3 of local initial attack costs), and statewide forest landowners (large fire costs)
Forest Fire Protection Associations (Coos, Douglas, and Walker Range)	Association Member forest lands within their boundaries. Private, and other non-membership wildlands within the boundaries of an established Forest Fire Protection District are protected by the Association through agreement with the State Forester. Provides protection to BLM lands in Western Oregon.	Fully trained and equipped initial attack forces in key locations, with assistance from outside the local area for large / complex fires	Protection provided by a non-profit Forest Fire Protection Association. Standards established and reviewed by State Forester / Board of Forestry. (ORS Chapter 477)	Funded by a combination of forest landowners within the District (roughly 2/3 of local initial attack), the State General Fund (roughly 1/3 of local initial attack costs), and statewide forest landowners (large fire costs)
Zone 1 Lands	Private lands designated as Zone 1 lands by the County. Currently, only exists in Grant County. These lands are not classified as "forestland".	Determined by County Court / Commission. In the case of Grant County, fully trained and equipped initial attack forces in key locations, with assistance from outside the local area for large / complex fires	Protection provided by agreement with the County. In Grant County, the protection is provided by ODF. (ORS Chapter 476)	Initial attack is funded by the affected landowners through the county at a current rate of \$0.30 / acre. These lands are not eligible for General Fund Support for initial attack resources or for the Emergency Fire Fund that pays for large fire costs.
Rangeland Protection Associations	Wildlands outside of other types of protection where landowners have come together to form a "Rangeland Protection Association". Several new Rangeland Protection Associations have been formed in far eastern Oregon over the last several years.	Minimal protection provided through a network of landowners and residents with a variety of equipment (dozers, graders, water trucks, etc). Through mutual aid agreements, eligible for assistance from adjacent wildland fire agencies.	Rangeland Protection Associations established through the Board of Forestry with budgets reviewed and approved on an annual basis. Eligible for FEPP (Surplus federal property), and provided some training by neighboring wildland fire agencies. (ORS Chapter 477)	Members of the Rangeland Protection Association pay for the services. Much of this is covered through in-kind contributions of the members equipment and time.

Organization	Where Applied	Level of Protection	Role of Government (County, State, ?)	Who Pays?
By Agreement or Contract	Wildlands adjacent to the boundaries of another organization providing wildland fire protection. Protection provided through an agreement / contract between the owner of the lands to be protected and the organization providing protection.	The level of protection varies depending on who the neighboring protection organization is. In addition, prioritization favoring the organizations legal responsibilities likely would take preference over lands protected by agreement.	Varies, depending on who the organization is providing protection.	Landowners pay the organization providing protection. This may include an annual readiness charge and/or an actual suppression cost charge.
Tribal	Wildlands where a tribe has jurisdiction and responsibility for wildland fire protection.	Fully trained and equipped initial attack forces in key locations, with assistance from outside the local area for large / complex fires	Tribal Government and /or Federal Government (BIA) determine level of protection and standards for protection.	Tribal Government and / or Federal Government (BIA) pay the costs of protection.
Special Service District (such as a Water District)	Within the boundaries of a Special Service District that is outside of an ODF Fire Protection District. Currently, not a significant delivery method for wildland fire protection.	Determined by the Special Service District.	Special Service District Board would establish and oversee operations. (ORS Chapter ___)	Members of the Special Service District would pay for the services provided.

2. Comparison with other Western States (Figure # 2)

The table below outlines how non-forested wildlands are protected in a partial sample of western states. The approach ranges from California and New Mexico where the State provides for fire protection to all lands funded through the state's general fund; to Nevada and Montana where the county plays a significant role in determining the level of protection and providing it; to Idaho and Washington where unprotected non-forested areas exist similar to that in Oregon

Figure 2. Comparison with other Western States

State	What's Protected	Level of Protection	Who is Responsible for Providing?	Role of Government (County, State, ?)	Who Pays?
Calif	All Wildlands Protected	Intensive	CDF through CDF, and in some counties, through County Fire Organizations	State - Supplies organization, staffing, equipment, funding	State
Idaho	Unprotected Lands	None	No one	None - BLM has historically been responding if fire is in vicinity of unprotected lands fire. Idaho responds if threat to protected lands.	None
Nevada	All Wildlands Protected	Determined by County - varies from intensive to extensive to none.	County	County has responsibility for providing protection. State provides protection to Forest and Watershed lands. Fed Agencies providing some level of protection to adjacent lands	County
Montana	All Wildlands Protected	Determined by County - varies from intensive to extensive.	County by Agreement with state, though statutes actually place responsibility on the landowner.	County has responsibility for providing protection with State Assistance. State provides training, FEPP Equipment, and Assistance with suppression if County's resources overtaxed. State provides protection to Forest and Watershed lands. Fed Agencies providing some level of protection to adjacent lands	County w/ State Assistance
New Mexico	All Wildlands Protected	Extensive	State responsible, but majority of incidents suppressed by RFDs, and Fed Agencies.	State provides training and FEPP Equipment.	State through reimbursement of costs to responding agencies on state protected lands.
Oregon	Unprotected Lands	None	No One	State provides assistance with training, FEPP, and Rangeland Protection Association Formation. State provides protection to Forestland and threats to Forestland. Fed Agencies providing some level of protection to adjacent lands. Significant portion of unprotected lands have historically been Division of	None

State	What's Protected	Level of Protection	Who is Responsible for Providing?	Role of Government (County, State, ?)	Who Pays?
Washington	Unprotected Lands	None	No One	State Lands owned lands. State provides protection to Forestland and threats to Forestland. Fed Agencies providing some level of protection to adjacent lands. Significant portion of unprotected lands are owned by WA Dept of Nat Resources.	None

3. Impacts

Fires on unprotected lands occur throughout Eastern Oregon. They impact all fire suppression agencies through fires occurring that threaten or spread to lands they are responsible for. These fires result in a significant cost to the local landowners paying for fire protection, to the State of Oregon, and to the BLM. Significant acreage is burned by unprotected land fires, which greatly affects the livelihood of local landowners by damaging resources (forest, range, crops, etc) and improvements (fences, outbuildings, homes, etc). In addition, these fires threaten the life and property of both landowners, and those passing through the area with the potential for fire entrapment while on their property, or while travelling on county, state, and interstate roads and highways.

The Department of Forestry has partially tracked fire occurrences and costs on unprotected lands of the Department's Eastern Oregon Area (EOA) for the last 12 years. It's important to note that this information is by no way complete. It is compiled from a combination of fires that ODF and the BLM were directly involved in, as well as numerous fires where the agencies became aware of the fire, but had limited, or no direct involvement. The fire statistics that this information is based on is included in Appendix F.

Since 1992, ODF has recorded 120 fires on unprotected lands in eastern Oregon accounting for approximately 240,000 acres burned and \$8,965,698 spent in fire suppression costs. This averages out to be about nine 2000-acre fires per year at an average cost of \$75,000 per fire or \$675,000 per year. Not all of this cost is incurred from just ODF; there are several fires that the BLM suppressed due to the threat to their land. Also, agencies such as the USFS, the Oregon Office of State Fire Marshal, and other State, County, City, and Local agencies have spent much time and money in suppressing these fires as well. These efforts also result in reduced capability for fire suppression on the lands that are paying for these fire protection services and resources.

Of these 120 documented fires, 69 fires burned onto, or directly threatened ODF protected lands. 23 fires did not threaten ODF protection but ODF was involved through mutual aid with another agency, and the remaining 28 fires were handled by the BLM with 4 of these threatening ODF protection but no ODF involvement. On the fires directly threatening ODF protection, ODF alone spent \$7,406,257 in order to suppress these fires and protect the lands within the district from greater loss while other agencies contributed \$1,207,002 in the efforts to control these blazes.

Through this time period, 57 of the 92 fires with ODF involvement occurred in and around ODF's Central Oregon District.

C. Legislative Efforts

Efforts to address fire protection coverage in the Oregon Legislature have occurred in the 1997, 1999, and the 2003 legislative sessions. Bills were introduced in all 3 sessions, but none of them were successful in making their way through the complete legislative process. Generally, agreement among potentially affected parties was not sufficient to move the process forward. Vocal opposition to some of the approaches also existed. From the beginning of the current review, interested and affected parties from throughout the state have been involved in an effort to gain understanding, acceptance, and support for the recommendations developed.

A brief summary of the introduced legislation is outlined below:

1. 1997 Legislative Session

- Provided for a comprehensive approach to wildland and structural fire protection in Oregon.
- Wildland – If landowner or county chooses not to provide protection, then the State Forester would provide protection in a manner similar to Forest Fire Protection Districts, but that would reflect different values at risk.
- Structural – If landowner or county chooses not to provide protection, then the Oregon State Fire Marshal would provide. Also included amendments to the Zone 2 regulations, and enhanced the ability for Rural Fire Districts to expand.

2. 1999 Legislative Session

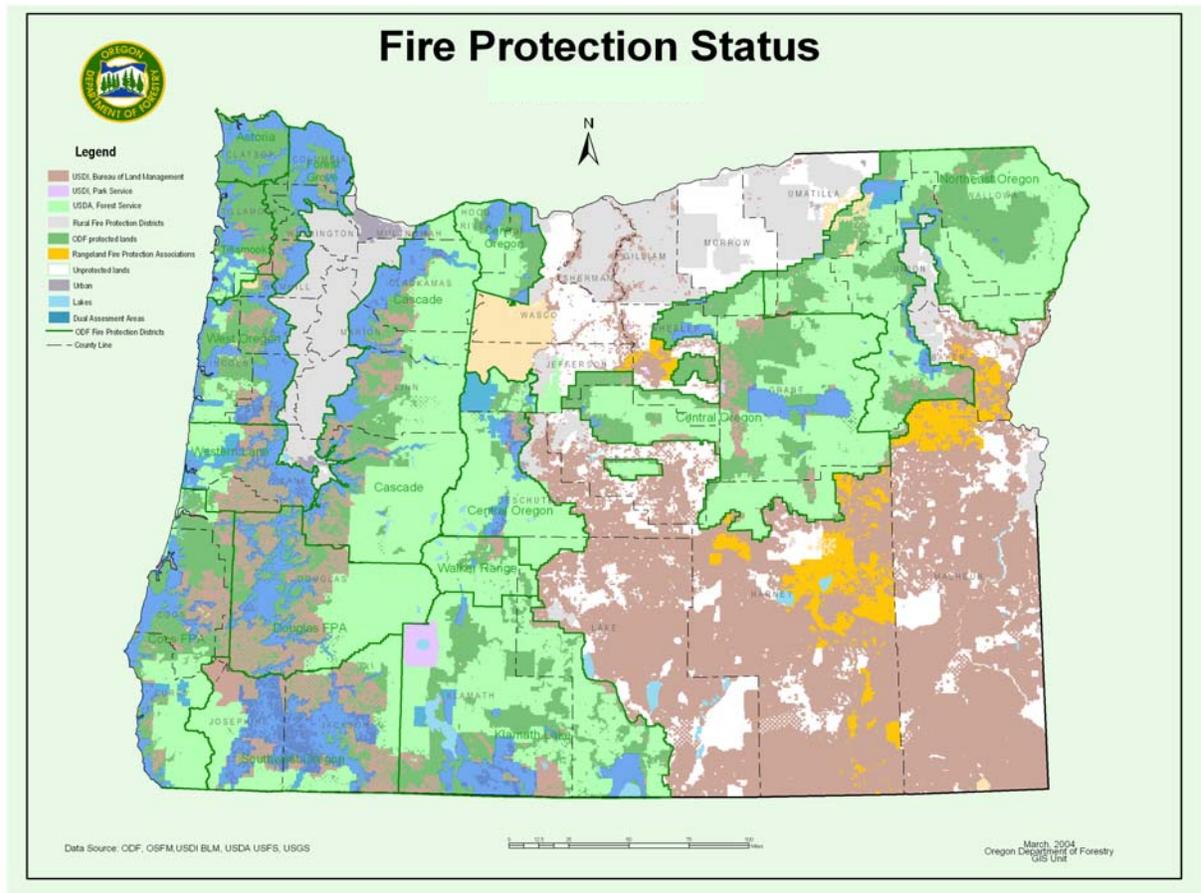
If a fire occurs on unprotected wildlands, and the County Board or Landowner requests, the State Forester may allow resources to attack and control a fire. The State Forester may recover costs from the landowner.

3. 2003 Legislative Session

Uncontrolled fire declared a public nuisance. The State Forester may attack or control if the fire could spread to a Forest Protection District boundary or if it was determined that early suppression action could prevent further resource shortages during a time of critical resource shortages. The State Forester may bill landowners for actual costs.

D. Fire Protection Status Map (Figure 3)

Figure 3. Fire Protection Status



III. Expectations and Analysis

A. Outcome Expectations

The following items were identified early in the process as important factors in determining successful outcomes. The recommendations in this paper are generally in line with these expectations.

1. Choice and informed decisions with appropriate impacts clearly understood
2. Combination of voluntary and mandatory
3. Level of Protection balanced with value at risk and risk of fire along with impacts to others.
4. Cost allocated fairly
5. Prevention a key component
6. Those affected a key part of successful outcome
7. Easy to administer
8. Short term actions align with long term goals
9. Efficient
10. Establish/ maintain/ enhance working relationships
11. Increased landowner and public understanding of risk and increased participation. Understanding of need for protection.
12. Respect and recognize current landowner and community efforts. Showcase these efforts.
13. Flexible to meet varying situations/needs.

B. Questions for Deliberation

The questions below were established early in the exploration phase of this process. It was designed to answer each question in order, as each answer tends to build upon the previous one. These questions served as an excellent starting point for discussion within the group. The groups answer to each is included along with the questions below.

1. **Should all wildlands in Oregon have some type of fire protection?** The working group answered "No" to this question. This is a result of recognition it may not be a good business decision to provide protection to ALL wildlands and structures. It recognizes that some areas (due to extremely low resource values, extremely low structure density and population) may not be able to provide fire protection services due to low potential for actual damage, as well as a lack of infrastructure to provide and support the service.
2. **Should unprotected wildlands that could threaten ODF protected lands have some type of fire protection?** The working group answered "Maybe" to this question. The group recognized a need to lessen the potential for an unprotected lands fire from moving onto ODF protected lands. The key to how this was answered is dependent on the level of protection provided, and how it is provided.
3. **What level of protection from wildfire should be provided?** The working group recognized that a system of variable levels of protection would be appropriate. The level of protection would vary primarily depending on the values at risk, and the risk that fire will occur. Some other variables that may come into play include: large vs. small landowner; individual vs. groups of landowners; local social values; and acceptance of government assistance.
4. **Who should be responsible for providing wildland fire protection where it is not currently provided?** The primary responsibility for providing fire protection should rest with the landowner. Counties should work with its landowners to identify what areas should be protected, and at what level. The county effort should be tied into ongoing planning efforts related to: Community Fire Plans; FEMA Mitigation Plans; etc.

5. **What should the role of government be in establishing and providing this wildland fire protection?**
Local Government should bring communities together and provide oversight and coordination to the process. State Government should assist with support, training, and equipment to those organizations providing fire protection. The state should work towards reducing liability insurance costs for Rangeland Protection Associations, and providing support for Governor declared disasters as appropriate. The Federal Government should provide assistance, support, and equipment by working with the State and Local Governments as appropriate.
6. **Who should pay for the availability costs and suppression costs associated with providing wildland fire protection?** The landowner has primary responsibility for fire protection on their lands. The County and State's responsibilities are at a broader, social level. This broader social aspect should involve meeting the needs through providing leadership, support, and funding assistance in establishing and maintaining an appropriate level of protection. The Federal Government should provide support through mutual aids, agreements with Rural Fire Departments and Protection Associations, Federal Excess Personal Property, and available grant funding.

C. Challenges

The following items have evolved as key challenges as the Work Group explored this issue:

1. **Fire may do little, or no damage to their lands** - The low productivity of many of these lands is also reflected in resources on the land that may actually benefit (at times) from fire, such as certain grasslands. This is often a matter of timing as a fire at the wrong time could deplete needed grass for feeding cattle, while at the right time could eliminate pest / invasive weeds, and improve future grass quantity / quality. Why pay for fire protection when fire could actually be a benefit?
2. **Ability to pay and who pays** – Many of the lands currently without fire protection are in areas with low land productivity. This is reflected in the lands limited ability to generate revenue and pay for fire protection and the many other things that a landowner needs. Should the landowners that own the more productive land (forested), and currently pay for this protection, be responsible for the costs of fires spreading off of unprotected lands onto their lands? Is there statewide benefit for protecting these lands worth funding by the people of the state of Oregon?
3. **Role of Government** – Many of the lands without fire protection are in remote areas with few, if any, government services. Some of these landowners choose to live there for that very reason. They are independent and prefer to provide for themselves without the involvement of government. The general feeling is that government is “less bad” as you move from federal, to state, to county and local government.
4. **Potential resource loss due to neighbors without fire protection** - Due to the nature of wildfire, property lines are not respected, and large fires may spread to other landowners lands, damaging their resources and improvements. Landowners may feel that, “If my neighbor chooses to not have fire protection, and a fire spreads through their property and causes resource damage and suppression costs that I’m responsible for, it’s not right. Especially if that fire could have been stopped early with little damage and/or suppression costs.”
5. **Complete Fire Protection System** – Due to the nature of wildfire, property lines are not respected, and large fires may spread to other landowners' lands, damaging their resources and improvements. In Oregon, Law Enforcement, Haz-Mat Response, and some type of emergency medical response are available everywhere in the state. Why not fire protection as well?
6. **Protection System Design** - By its very nature, the design of the system that provides both wildland and structural fire protection in Oregon will contain significant gaps. The system is largely dependent on active and engaged local landowners to create, fund, and maintain the protection system. This results in areas with high value (timber or high value / high-density improvements as an example) to easily fund the necessary protection. Areas with lower value (sage / grasslands or lower value low density improvements) have less ability to fund and support a consistent local protection system. Other western states contain a variety of approaches related to how fire protection is provided. Some states contain no unprotected lands from a structural or wildland standpoint due to the design of their system. In these

types of systems, it's important to recognize that different levels of protection are provided based on the values at risk, and that someone does have the responsibility to respond and take appropriate action.

IV. Alternatives Considered

As alternatives and recommendations were developed, the group focused efforts on long term solutions. As part of this approach, short-term limitations (State General Fund shortages as an example) were not considered to constrain potential alternatives. Figure 4 contains a matrix that arrays various options that were used as a tool for developing alternatives. The list below consists of a variety of alternatives that evolved from these discussions related to wildland fire protection.

Figure 4. Options

What's Protected	Level of Protection	Who is Responsible for Providing?	Role of Government (County, State, ?)	Who Pays?
A) Only those lands that a fire would be a threat to protected lands	A) Minimal Protection - local response on an as needed basis with what resources happen to be available.	A) Landowner has responsibility for a fire that starts and/or spreads through their property. Landowners band together to provide necessary resources on an as needed basis.	A) No responsibility	A) Landowner responsible for readiness and suppression costs.
B) In addition to A) above, include those lands where a fire would be a threat to a high value (community, watershed, etc)	B) Limited Protection - Local response by minimally trained and equipped resources, and/or response by fully trained and equipped resources from some distance away from the local area.	B) Rangeland Association has responsibility for a fire that starts within it's area of responsibility. Landowners support the Association through planning, staffing, training, and equipping locally available resources.	B) Provide assistance to the responsible parties related to: planning, organizing, training, and equipping them for wildland fire protection.	B) County responsible for readiness and suppression costs.
C) All Wildlands Protected	C) Full Protection - Local response by fully trained and equipped resources with support from fully trained and equipped resources from outside of the local area.	C) County has responsibility for a fire that starts within it's border. County provides protection services either directly, or through an agreement or contract with another organization.	C) Establish a hierarchy of standards related to responsibilities, training, and equipment.	C) State Responsibility for readiness and suppression costs
		D) Class 4 land classification created to establish protection system. Responsibility for protection would fall to Rangeland Protection Association, County, ODF, or other organization depending on how the design is crafted.	D) Share in the cost of providing fire protection. This could include a wide range of issues from cost sharing the base level of protection, to some portion of actual suppression costs.	D) Some mix of the above resulting in a cost share between the landowners and government.
		E) ODF has responsibility for a fire that starts within it's area of responsibility. This option would reflect an expansion of current boundaries, and perhaps combine with the Class 4 lands system discussed above.	E) Provide the service at either the limited or full protection options.	

1. **Status Quo** – This could result in no additional protection, and current issues would continue. The landowner would be responsible for protecting themselves from wildland fires on their property. Limited, or no outside assistance would be available or expected to assist.
2. **Provide Protection Through Agreement / Contract with Neighboring Protection Agency** – This could result in additional protection in locations adjacent to another organization / agency that is currently providing protection. Neighboring Protection Agencies would include: BLM, ODF, Rural Fire Protection Districts, Rangeland Protection Associations, etc. Agreements between the federal agencies

and local government (county, rural fire district, rangeland protection association, etc) must be reciprocal in nature.

3. **Provide Protection Through Creation and Expansion of Rural Fire Protection Districts** – This could result in additional protection being provided by the expansion of existing Rural Fire Protection District boundaries. In addition, the creation of new Rural Fire Protection Districts would also provide coverage to additional areas.
4. **Provide Protection Through Creation and Expansion of Rangeland Protection Associations** This could result in additional protection being provided by the expansion of existing Rangeland Protection Association boundaries. In addition, the creation of new Rangeland Protection Associations would also provide coverage to additional areas.
5. **Provide Protection Through Creation and Expansion of the Zone 1 Approach** – This would expand the use of Zone 1 authority to provide fire protection. While the authority currently exists for a county to establish Zone 1 lands, raise funds, and make arrangements for fire protection, Grant County is currently the only county to recognize and use this authority.
6. **County Provided Fire Protection** – In this alternative, the county would be responsible for providing wildland fire protection. This could be achieved through establishing a county wide fire department, providing protection through an agreement or contract with a fire agency, establishing an extensive level of protection through something like training county road crews in key locations, and others.
7. **Provide an Additional Ring or Protection Zone around ODF Protected Lands** – This would establish an additional tier of protection that serves somewhat as a buffer between ODF protected lands and unprotected lands. The primary intent would be to reduce the costs and resource damage to ODF protected lands from fires that move off of unprotected lands. This would establish a shared responsibility and funding mechanism such as a capped per fire fee, or a subsidized annual fee.
8. **ODF Provides Fire Protection** – This approach would expand ODF’s current role and boundaries to include more lands than currently protected. This could range from a slight expansion to borders that are logical from the perspective of fire behavior and taking advantage of natural and man-made barriers; to an approach similar to several states that would give overall fire protection responsibility to ODF.

V. Recommendations

A. Recommendations

The following recommendations and actions are the result of numerous discussions and deliberations with the members of the Fire Protection Coverage Group. It is strongly felt by this group that these recommendations are intended to serve as the beginning of the process, as opposed to the end. It is recognized that there is still much work to do, and all of us are committed to making progress to improve Oregon’s fire protection system.

It became apparent quickly that no one alternative discussed above would provide the best “answer” for Oregon. With that in mind, the recommendation of the group is to use a combination of alternatives that provide the best results under the conditions in various geographic locations throughout the state.

The responsibilities of the various players (as listed below) would combine to provide a better overall approach than currently exists.

Landowner – The basic level of responsibility for the landowner is to use fire wisely, manage fuels appropriately on their property and near structures, and take “appropriate action” on fires occurring on their lands. “Appropriate action” would be to use equipment and staffing under their control to take suppression action on a fire that is likely to cross property lines. Landowner cannot be removed from their property while taking appropriate suppression actions.

County Government – Responsible for overall disaster management in their county. This involves developing necessary plans and actions to minimize damage from wildland fires, and to address resource and management needs if a large wildland fire should occur within the county. County Government serves as the

facilitator of community objectives in assessing current situation, determination of day to day protection needs, and how best to meet those needs. The intent is to have an informed discussion resulting in decisions that the “community” understands, accepts, and supports. This approach should help bring together multiple related planning efforts in a cohesive Community Fire Planning effort that produces results and minimizes duplication. A county based education, prevention, and mitigation effort will likely be a successful outcome of this effort.

State Government – Provide wildland fire technical assistance related to organizing, equipping and training. Provide suppression assistance through agreements as appropriate. Provide suppression assistance when requested by the Governor (Disaster Declaration). Provide support and assistance to help make Rangeland Protection Associations more successful (Liability Insurance, etc). Serve as a resource for education, prevention, and mitigation efforts as well as provide assistance with general guidance and grant processes. Provide funding to assist in the overall protection needs as appropriate. Through appropriate mutual aid agreements, provide wildland fire protection to lands adjacent to currently ODF protected lands. Work with Federal government to modify FEPP rules to allow title to transfer to a rural fire defense organization.

Federal Government – Provide cooperative guidance for adjacent rural fire departments and rangeland protection associations in developing mutual aid agreements and technical assistance related to training and organizing. Provide opportunities to obtain federal excess personal property (FEPP). Provide information regarding the Community Assistance Grant process. Through appropriate mutual aid agreements, work jointly to provide wildland fire protection to lands adjacent to federal government protected lands.

Oregon State Fire Marshal’s Office and Structural Fire Protection - Appendix D contains recommendations from the Governor’s Fire Service Policy to the Office of the Oregon State Fire Marshal. These recommendations were developed during the same time period that the Fire Protection Coverage Working Group was developing this report. To that end, the information was shared, but not fully discussed or coordinated. Additional effort should be undertaken to assure compatibility between the two efforts.

VI. Proposed Implementation

If the recommendations above are accepted, then the following actions should be considered as part of an implementation plan.

A. Recommended Short Term Actions (Starting Immediately)

1. ODF should work with all parties involved to include the discussion and development of improved fire protection as part of the Community Fire Planning Process. Involved parties would include: Federal Agencies, Counties, Association of Oregon Counties, and the Office of the Oregon State Fire Marshal, etc.
2. Establish effort using members of this group and others to build understanding, acceptance, and support for the approach with affected counties and the Association of Oregon Counties.
3. Establish effort using members of this group and others to build understanding, acceptance, and support for the approach with landowners and interested groups.
4. Establish and maintain unprotected lands fire occurrence database for future analysis.
5. Assist Rangeland Protection Associations through the following legislative actions:
 - Determine the base level of liability insurance needs and develop a method for reducing costs (partial funding, provided through a pooled concept, add on to state and/or county policies, etc).
 - Establish one ODF position with appropriate support to work directly with Rangeland Protection Associations, Counties, and other groups by providing assistance in organizing, equipping, training, prevention efforts, and community fire planning efforts. This would be a key step in establishing positive relationships and trust in these areas to keep the process moving forward.

B. Recommended Long Term Actions (Starting with the 2007 Legislative Session)

1. Define the desired approach through the legislative process by:
 - Define landowner responsibility as the foundation for fire protection.
 - Define the county's role as that of being responsible for ongoing informed decisions with their constituents regarding how fire protection is provided in their county as part of the community fire planning process. In addition, define the county's role in implementing this system.
 - Define and establishing a protected buffer between ODF protected lands and un-protected lands, with the intent of reducing suppression costs and resource damage related to fires moving off of un-protected lands.
2. Work with the Federal Government to explore the option of providing the title for Federal Excess Personal Property (FEPP) to fire organizations after a period of time, and to streamline the Federal Grant process.
3. Consider development of an agreement between the State and the Counties. This agreement would spell out that if the county makes good faith efforts to develop community fire plans, and address fire protection coverage needs, then the state would provide assistance in organizing, equipping, and training for wildland fires. In addition, the state would provide support and funds for wildland fire related disaster declarations within the county.
4. Develop an evaluation time line that takes a look at progress made and recommends further actions as appropriate.

Appendix

Appendix A - Fire Protection Coverage Working Group Membership

Appendix B - Process Description Fire Protection Coverage Work Group

Appendix C - Fire Protection Coverage Group Work Plan

Appendix D - Recommendations to the Office of the Oregon State Fire Marshal By the Governor's Fire Service Policy Council

Appendix E - Fire History on Unprotected Lands

Appendix F - Legislative History Detail

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Appendix A

Fire Protection Coverage Working Group Membership

Greg Addington	Oregon Farm Bureau
Jean Burch	Wheeler County Judge
Earl Cordes	Jefferson County Fire District #1, Fire Chief
Mike Dykzeul	Oregon Forest Industries Council
Gordon Foster	Oregon Department of Forestry
Steve Grasty	Harney County Judge
Cliff Liedtke	Oregon Department of Forestry, Co-Chair
Nancy Orr	Oregon State Fire Marshal, Co-Chair
Leo Sidebotham	Bureau of Land Management
Micah Wells	Oregon Cattleman's Association
Krista Fischer	Insurance Services Office of Oregon and Idaho
Jon Weck	Oregon Small Woodlands Association
Jim Welsh	Oregon Grange
Bob Wright	Oregon State Fire Marshal's Office

Staff Support

Dustin Gustaveson	Oregon Department of Forestry
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Appendix B

Process Description

Fire Protection Coverage Work Group

As part of an overall Protection Program Review within the Oregon Department of Forestry, State Forester Marvin Brown established a Steering Committee. This Steering Committee was tasked with identifying the highest priority efforts for further review, and to establish work groups to explore and develop recommendations for the future.

As part of this effort, the Fire Protection Coverage Work Group was formed. The Group was made up of a wide representation of individuals and organizations with interest the subject. Nancy Orr (Oregon State Fire Marshal), and Cliff Liedtke (Oregon Department of Forestry) were appointed as Co-Chairs. The Steering Committee provided guidance to the group that included baseline objectives for the task at hand.

Based on past efforts to address this issue, a conscious decision was made to attempt a different path. In the past, the process remained primarily an internal ODF one that then worked directly with the legislature. For this effort, the intent was to bring interested parties together from the beginning, and work through concerns, to develop a supported, collaborative approach to making real progress. As you can see from the make up of the group (Appendix A), the members are a diverse mix of backgrounds, perspectives, and constituents on this particular issue.

The Group met five times over a five month period. These meetings were held in various locations throughout the state allowing for additional local discussion and participation, and for the group to see the issue first hand. This involvement included County Fire Chiefs, County Commissioners / Judges, Rangeland Protection Associations, Forest Protection Associations, Oregon Wheat Growers, Fire Chiefs, and local landowners. Discussion ranged from the use of Zone 1 designation in Grant County, to concerns and issues from interested landowners, to expansion of Rural Fire Districts, to the needs of Rangeland Protection Associations. Meetings were held in Salem, John Day, Salem, Burns, and Pendleton. A public meeting was also held one evening during the meeting in Pendleton.

In addition to the scheduled Work Group Meetings, three members of the group attended a meeting of the Oregon Farm Bureau's Natural Resource Committee meeting in Madras. At this meeting, we had a good discussion about the current situation, and their thoughts on potential ways to address the issue. This meeting helped frame some of the future discussion for the work group related to landowner involvement, appropriate level of government to be involved, and moving towards recommendations that assist landowners in protecting themselves.

The overall process involved working towards getting members of the group to the same foundational understanding of how fire protection is delivered, how it evolved, and what the issues are. Early on, the group established a list of "worst fears / best outcomes" that later evolved into a list of Outcome Expectations. This list was used from time to time to judge alternatives against.

A list of Questions for Deliberation was created that served as the core of discussion as the issue was explored and alternatives considered. These questions were nested together (answer question 1, then move to question 2, then 3, etc), to assist the group in its discussions.

The next step was to explore alternatives. The group worked hard to avoid positional alternatives, and instead keep the discussions open and work together to develop widely supported options. Options and alternatives were not constrained by current limitations (State General Fund shortfall as an example), but instead tended to look for viable long-term solutions.

After much discussion, the group focused on a combination of previously explored alternatives as the most viable for the long term. Given this focus, discussion centered on gaining consensus on a variety of issues to be included in the report. Recommendations, and plans for implementing those recommendations were then developed and incorporated.

The success of this group is a direct result of the members being willing to work together to work towards viable, acceptable solutions. It's important to recognize and appreciate their efforts.

Appendix C

Fire Protection Coverage Group Work Plan

1. **Goal:** Work with counties, communities and landowner organizations to explore and develop well supported recommendations for a coordinated statewide system of structural and wildland fire protection.

2. **Objectives:**
 - Identify broad areas that are currently unprotected, or need increased levels of protection.
 - Engage counties, rural communities and landowner organizations in a discussion of how to achieve local responsibility for, and implementation of necessary fire protection.
 - Recommend well supported strategies to address unprotected and under-protected lands and structures that assist in completing the coordinated statewide system of fire protection.

3. **Tasks and Timeline:**

Date	Support Materials	Work Group Meetings	Products	Outcomes
March 16, 2004 John Day	<ul style="list-style-type: none"> • Draft Work Plan • Current Situation Summary • Alternative Matrix • Alternative Strawman Format 	<ul style="list-style-type: none"> • Finalize Work Plan • Continue current situation discussion • Discuss Grant County Zone 1 Lands • Discuss Grant County Protection Issues • Discuss alternative development 	<ul style="list-style-type: none"> • Work Plan 	<ul style="list-style-type: none"> • Finalize Group Work Plan • Understanding of current situation • Start alternative development
April 22, 2004 Salem	<ul style="list-style-type: none"> • Alternative Matrix • Strawman Alternative Format 	<ul style="list-style-type: none"> • Continued development of alternatives 		<ul style="list-style-type: none"> • Alternatives developed for future consideration
May 3-4, 2004 Burns	<ul style="list-style-type: none"> • List of alternatives developed. 	<ul style="list-style-type: none"> • Discussion of Rangeland Protection Associations • Discussion of BLM / DSL Protection Agmt • Narrow alternatives and zero in on recommended alternative 		<ul style="list-style-type: none"> • Listing of primary alternatives and recommended alternative.
June 28-29, 2004 Pendleton	List of primary alternatives and recommended alternative.	<ul style="list-style-type: none"> • Pendleton and I-84 fires discussion • Work on how to get here to there. 		Draft of how to get to the desired future condition
July – October, 2004		<ul style="list-style-type: none"> • As needed to develop, review, and modify the final recommendations and report. 		Finished report with alternatives, recommendation and strategy to accomplish to Steering Committee by October 30, 2004

4. **Questions for Deliberation:**

1. Should all wildlands in Oregon have some type of fire protection?
2. Should unprotected wildlands that could threaten ODF protected lands have some type of fire protection?
3. What level of protection from wildfire should be provided?
4. Who should be responsible for providing wildland fire protection where it is not currently provided?
5. What should the role of government be in establishing and providing this wildland fire protection?
6. Who should pay for the availability costs and suppression costs associated with providing wildland fire protection?

=====

7. Who should be responsible for providing structural protection from catastrophic wildfire where it is not currently provided by a fire district or municipal fire department?
8. What should the role of government be in establishing and providing this catastrophic fire protection to unprotected structures in wildland areas?
9. Who should pay for the availability costs and the suppression costs associated with providing catastrophic fire protection to unprotected structures in wildland areas?
10. Should structural protection from catastrophic fires be weighted to promote fuels removal and survivable spaces?

5. **Deliverables:**

Final Report with alternatives considered, recommended alternative, and strategy to accomplish to the Steering Committee by October 30, 2004.

Appendix D

Recommendations to the Office of the Oregon State Fire Marshal by the Governor's Fire Service Policy Council

The state fire marshal's goal is to reduce interface fire incidents and related structural threat and loss across the state, in both protected and unprotected areas. To forward that goal, the Governor's Fire Service Policy Council has recommended the following actions to the Governor. The state fire marshal has presented this proposal to Association Oregon Counties and has their concurrence to forward it to the Governor.

The Governor will continue to consider Conflagration Act response to unprotected areas where the county has done the following:

2005 Fire Season

Demonstrate the county is completing a fire protection plan (elements for NFP/Healthy Forests, FEMA mitigation, and where appropriate SB 360) Note: Counties can use Title III funds for this purpose.

- a) Adopt DLCD Goal 4 to require minimum fire defense standards for new development, land use and construction.
- b) Change property tax statement language for ODF assessment from "fire protection" to "ODF non-structural fire suppression" so homeowners and insurers are not led to believe they have structural fire protection.

2006 Fire Season

- a) All of above
- b) Demonstrate the county is actively implementing a fire protection plan to strategically remove fuels.

This proposal meets two major principles approved by the Policy Council. First, structure owners outside an organized structural fire protection area should pay their fair share for the availability of catastrophic structural fire protection. Communities with fire departments have paid for training and equipment to have firefighting resources available to mobilize. Communities without fire protection need to invest resources to make their homes and infrastructures wildfire survivable.

Second, catastrophic fire protection solutions should be weighted toward prevention and mitigation. This includes mitigation plans in line with FEMA and the Healthy Forest Restoration Act (HFRA). The state and its counties cannot afford to pay for ever-increasing costs to suppress catastrophic fires. The viable long-term solution to providing catastrophic fire protection to communities without fire protection is for those communities to be wildfire survivable.

Appendix E

Fire History on Unprotected Lands

The Department of Forestry has been loosely tracking fire occurrences and costs on unprotected lands of the Department's Eastern Oregon Area (EOA) for the last 12 years. It's important to note that this information is by no way complete. It is compiled from a combination of fires that ODF and the BLM were directly involved in, as well as numerous fires where the agencies became aware of the fire, but had limited, or no direct involvement.

Since 1992, ODF has recorded 120 fires on unprotected lands in EOA accounting for approximately 241,000 acres burned and \$8,965,698 spent in fire suppression costs. This averages out to be about nine 2000-acre fires per year at an average cost of \$75,000 per fire or \$675,000 per year. Not all of this cost is incurred from just ODF; there are several fires that the BLM suppressed due to the threat to their land. Also, agencies such as the USFS, Oregon State Fire Marshal's Office, and other State, County, City, and Local agencies have spent much time and money in suppressing these fires as well.

Of these 120 documented fires, 69 fires directly threatened ODF protection, 23 fires did not threaten ODF protection but ODF was involved through mutual aid with another agency, and the remaining 28 fires were handled by the BLM with 4 of these threatening ODF protection but no ODF involvement. On the fires directly threatening ODF protection, ODF alone spent \$7,406,257 in order to suppress these fires and protect the lands within the district while other agencies contributed \$1,207,002 in the efforts to control these blazes.

Through this time period, 57 of the 92 fires with ODF involvement occurred in and around ODF's Central Oregon District.

Fires on unprotected lands occur throughout Eastern Oregon, impact all fire suppression agencies, and are a large cost to the local landowners paying forest protection and to the State of Oregon. Significant acreage is burned on a regular basis by unprotected land fires, which greatly affects the livelihood of local landowners. In addition, these fires threaten the life and property of both landowners, and those passing through the area.

The info below is a quick shot at fire statistics for unprotected lands in Eastern Oregon in recent years, but we expect that it does not include all fires. This is due to the fact that ODF and other agencies have not gone out of our way to collect this information.

Dist/Unit	Year	Name	General Location	Acres	* ODF \$	** Other \$	Threat to ODF?
ODF - Threat to ODF							
COD-PV	2002	Horse Heaven Reservoir	18 mi SE Prineville	0.10	\$345		Yes
COD-TD	2002	Viento	3 Mi. W. Hood River	0.01	\$265	\$877	Yes
COD-TD	2002	Memaloose	5 Mi. N.W. The Dalles	0.01	\$61	\$387	Yes
COD-TD	2002	Binns Hill	3 Mi. W. Odell	0.10	\$216	\$464	Yes
COD-TD	2002	Diamond Lake	2 Mi. E. Wamic	0.10	\$468	\$416	Yes
COD-TD	2002	Hanel Mill	4 Mi. N. Parkdale	0.01	\$-	\$196	Yes
COD-TD	2002	Three Mile	4 Mi. S. The Dalles	15.00	\$284	\$1,189	Yes
KLD-LV	2002	Winter	T32S-R16E, et al	2,500.00	\$3,500,000	\$500,000	YES & FS/BLM
NEO	2002	Fish Creek	7 Miles W of Halfway	200.00	\$21,153	\$3,572	Yes
NEO	2002	Blue Spruce	8 Miles NW of Baker	1.00		\$1,600	Yes
COD-JD	2001	Sentinel Peak	Wheeler County	3,500.00	\$48,000	\$35,000	Yes
COD-JD	2001	Blue Banks	Wheeler County	600.00	\$1,200	\$6,000	Yes
COD-PV	2001	Geneva 2	13 mi NE Sisters	0.50	\$189	\$1,254	Yes
COD-PV	2001	Deep Canyon	9 mi NE Sisters	0.01	\$78		Yes

Dist/Unit	Year	Name	General Location	Acres	* ODF \$	** Other \$	Threat to ODF?
COD-TD	2001	Shogren	1 Mi. E. Hood River	0.01	\$19	\$49	Yes
COD-TD	2001	Dee Mill	5 Mi. N. Parkdale	0.01	\$43	\$156	Yes
COD-TD	2001	Brown's Creek	3 Mi. W. The Dalles	0.25	\$149	\$585	Yes
COD-TD	2001	Indian Creek	1 Mi. S. Hood River	2.00	\$1,937	\$8,056	Yes
COD-TD	2001	Driver Road	2 Mi. N. Wamic	0.01	\$116	\$-	Yes
COD-TD	2001	Larch Creek	2 Mi. N. Friend	2.00	\$578	\$154	Yes
COD-TD	2001	Dodson	4 Mi. W. Cascade Locks	0.01	\$65	\$330	Yes
COD-TD	2001	Mill Ck. #3	2 Mi. S. The Dalles	10.00	\$248	\$3,316	Yes
KLD-LV	2001	Sunny	36-21,19	0.10	\$243	\$171	YES & FS/BLM
KLD-LV	2001	Last Zap	37-11,12	0.01	\$-	\$70	YES & FS
KLD-LV	2001	Ford	36-12,12	0.01	\$100	\$131	YES & FS
KLD-LV	2001	Lasere	39-18,7	0.10	\$278	\$-	YES
NEO	2001	Horse Creek	.5 Miles NE of Imnaha	4468.00	\$74,345	\$37,170	Yes
COD-JD	2000	Tamarack	Wheeler County	7,300.00	\$3,200,000		Yes
COD-PV	2000	Lost Creek	SE of Prineville	450.00	\$26,333		Yes
KLD-LV	2000	Road	40-18,4	0.10	\$-	\$75	YES & FS
NEO	2000	Hot Lake	7 Miles E of La Grande	120.00	\$22,011	\$4,871	Yes
NEO	2000	Long Ridge	3 Miles NW of Imnaha	289.00	\$258,000	\$-	Yes
NEO	2000	Thorn Creek	11 Miles N of Imnaha	210.00	\$18,334	\$499,999	Yes
COD-PV	1999	McCain Rd	N. Of Prineville	100.00	\$6,270	\$58,150	Yes
COD-PV	1999	Grizzly Mtn #2	N of Prineville	10.00	\$861	\$6,859	Yes
COD-PV	1999	Little Whetstone Cr	25 mi N Prineville	186.00	\$1,689		Yes
COD-PV	1999	Saddle Fire	6 mi NW Prineville	1.50	\$571		Yes
COD-PV	1999	Grizzly Mtn #1	7 mi NW Prineville	1.00	\$359	\$570	Yes
COD-PV	1999	Roberts Butte	27 mi NE Prineville	3.00	\$755	\$1,750	Yes
COD-PV	1999	Elkhorn Ridge	26 mi NE Prineville	0.01	\$428		Yes
COD-PV	1999	Plateau	13 mi SW Madras	5.00	\$340		Yes
COD-PV	1999	Grassland Complex	12 mi SW Madras	20.00	\$774		Yes
KLD-LV	1999	Chandler Stat.	36-21,19	0.10	\$314	\$-	YES & FS
KLD-LV	1999	Boundary	40-18,12	0.10	\$67	\$-	YES & FS
KLD-LV	1999	Canteen	36-20,15	0.10	\$50	\$102	YES & FS
NEO	1999	Couse	Five miles SE of Milton Freewater	578.00	\$5,528	10,691	Yes
NEO	1999	Bowlus Hill	Five miles East of Milton-Freewater	320.00	\$545	N/A	Yes
COD-JD	1998	Van	Harney County		\$99		Yes
COD-JD	1998	Skull Creek	Wheeler County		\$557		Yes
NEO	1998	Blalock	Eight miles SE of Milton Freewater	535.00	\$21,301	N/A	Yes
NEO	1998	Government #2	Five miles East of Milton-Freewater	200.00	\$1,296	N/A	Yes
COD-PV	1997	Watson	12 mi SE Prineville	0.25	\$133		Yes
KLD-LV	1997	Harvey	33-17,5	0.10	\$250	\$550	YES & FS
KLD-LV	1997	Weekly	36-21,6	5.00	\$7,100	\$1,600	YES & FS
COD-JD	1996	Service Creek	Wheeler County		\$337		Yes
COD-JD	1996	Smokechase	Wheeler County		\$148		Yes
COD-JD	1996	Haystack	Wheeler County		\$215		Yes

Dist/Unit	Year	Name	General Location	Acres	* ODF \$	** Other \$	Threat to ODF?
COD-PV	1996	Little Cabin	N. Of sisters	4,434.00	\$130,950		Yes
COD-PV	1996	Ashwood-Donnybrook	Jefferson Co	100,000.00	\$32,753	\$8,712	Yes
COD-PV	1996	Ochoco Reservoir	S. Of Prineville	30.00	\$11,189		Yes
COD-PV	1996	Johnson Creek	7 mi E Prineville	0.10	\$174		Yes
COD-PV	1996	Combs Flat	8 mi SE Prineville	0.01	\$73		Yes
KLD-LV	1996	Pete's Dragon	36-21,18	3.00	\$4,800	\$3,500	YES & FS
KLD-LV	1994	E. Langell	40-14,34	0.01	\$-	\$150	YES & BLM
KLD-LV	1994	Fitz	41-18,11	0.01	\$185	\$-	YES & BLM
KLD-LV	1993	Willow Valley	41-15,19	0.10	\$-	\$108	YES & BLM
KLD-LV	1993	2 Dog Fire	41-15,20	0.10	\$-	\$770	YES & BLM
KLD-LV	1993	Rock Creek	41-15,16	0.01	\$-	\$202	YES & BLM
COD-JD		Black Butte	Wheeler County		\$1,088		Yes

SUBTOTAL *Number of Fires - 69* *126,100.95* *\$7,406,257* *\$1,199,802*

Dist/Unit	Year	Name	General Location	Acres	* ODF \$	** Other \$	Threat to ODF?
ODF - No Threat to ODF							
COD-PV	2002	Hay Creek	9 mi NE Madras	35.00	\$597	\$5,641	No
COD-TD	2002	White river	Tygh Valley	0.10	\$86	\$151	No
NEO	2002	Birch Cr Complex	SW of Pendleton	7,000.00	\$1,534	N/A	N
NEO	2002	Shaw	Seven mile south of Pendleton	90.00	\$614	N/A	N
NEO	2002	Sunridge	Southeast of Pendleton	150.00	\$509	N/A	N
COD-PV	2001	Sagebrush Ln	9 mi NE Prineville	32.00	\$763	\$17,480	No
COD-TD	2001	Sunday Road	1 Mi. E. Odell	0.01	\$220	\$544	No
COD-TD	2001	Mill Creek #2	1 Mi. S. The Dalles	0.10	\$131	\$105	No
COD-TD	2001	Steele Rd.	3 Mi. SE The Dalles	263.00	\$214	\$2,278	No
COD-TD	2001	Tooley Lake	2 Mi. NW The Dalles	1.00	\$921	\$3,896	No
COD-TD	2001	Powerline	1 Mi. S. The Dalles	0.25	\$272	\$882	No
COD-PV	2000	View Point 1 & 2	Prineville	18.00	\$571	\$1,706	No
COD-PV	2000	Ryegrass	7 mi NW Prineville	1.00	\$614	\$1,125	No
NEO	2000	Sparks	Eight miles south of Pendleton	5,000.00	\$488	N/A	N
COD-PV	1998	Belmont	5 mi W Madras	641.00	\$4,531		No
NEO	1998	Pendleton Fire	Western portion of the City of Pendleton	5,000.00	\$1,737	N/A	N
NEO	1998	Coombs Canyon	Two miles south of Pendleton	40,000.00	\$2,916	N/A	N
COD-PV	1997	Fitzgerald		700.00			
COD-PV	1997	Gable Cr.		750.00			
COD-PV	1996	Powerline	5 mi SE Prineville	0.25	\$613		No
COD-PV	1996	Smith Rock	NE of Redmond	500.00	\$1,235		No
KLD-LV	1993	Beatty Dump	36-12,27	0.01	\$186	\$-	NO
KLD-LV	1992	Parallel	40-18,2	0.10	\$354	\$-	NO to FS

SUBTOTAL *Number of Fires - 23* *60,181.82* *\$15,003* *\$10,536*

Dist/Unit	Year	Name	General Location	Acres	* ODF \$	** Other \$	Threat to ODF?
BLM - Threat to ODF							
BLM-PV	2001	Sentinal Peak	6 mi SW Spray	4,360.00		\$3,500	Yes
BLM-PV	2001	Bald Gap	11 mi NE Mitchell	400.00		\$1,600	Yes
BLM-PV	2001	Rattlesnake	9 mi W Dayville	5.00		\$500	Yes
BLM-PV	2000	Post Gulch	11 mi W Mitchell	15.00		\$1,300	Yes
BLM-PV	1996	Microwave	4 mi E Dayville	1.00		\$300	Yes
<i>SUBTOTAL</i>				<i>Number of Fires - 5</i>	<i>4,781.00</i>	<i>\$7,200</i>	

Dist/Unit	Year	Name	General Location	Acres	* ODF \$	** Other \$	Threat to ODF?
BLM - No Threat to ODF							
BLM-Brns	2002	***Burns BLM	Harney County	1,833.00		\$50,000	No
BLM-PV	2002	Trout Creek	15 mi N Madras	30.00		\$1,000	No
BLM-PV	2002	Twickingham	16 mi SW Fossil	20.00		\$800	No
BLM-PV	2002	Cherry Creek	18 mi SE Antelope	100.00		\$1,500	No
BLM-PV	2002	White River	4 mi NE Maupin	25,000.00		\$40,000	No
BLM-PV	2002	Vidle Creek	15 mi S Maupin	73.00		\$4,000	No
BLM-Brns	2001	***Burns BLM	Harney County	1,833.00		\$50,000	No
BLM-PV	2001	Starvation	14 mi NW Condon	7,500.00		\$4,200	No
BLM-PV	2001	Rock Creek	14 mi E Wasco	2,200.00		\$2,800	No
BLM-PV	2001	Flake	37 mi S Post	4.00		\$400	No
BLM-PV	2001	Homestead	27 mi E Post	5.00		\$500	No
BLM-Brns	2000	***Burns BLM	Harney County	1,833.00		\$50,000	No
BLM-PV	2000	Buckskin	Grass Valley	258.00		\$2,500	No
BLM-PV	2000	Dipping Vat	Grass Valley	2,080.00		\$3,300	No
BLM-Brns	1999	***Burns BLM	Harney County	1,833.00		\$50,000	No
BLM-PV	1999	Dead Dog	11 mi N Mitchell	500.00		\$3,100	No
BLM-PV	1999	I538	12 mi W Shaniko	3.00		\$600	No
BLM-PV	1999	Bird Song	28 mi SW Dayville	221.00		\$2,800	No
BLM-Brns	1998	***Burns BLM	Harney County	1,833.00		\$50,000	No
BLM-PV	1998	Kaskela	17 mi W Shaniko	10.00		\$1,200	No
BLM-PV	1998	Trestle	8 mi N Maupin	300.00		\$2,000	No
BLM-PV	1996	Coyote Mtn	17 mi SW Fossil	415.00		\$2,500	No
BLM-PV	1996	Crooked River	9 mi S Prineville	5.00		\$500	No
BLM-PV	1996	Red Rock	13 mi N Mitchell	2,050.00		\$3,200	No
<i>SUBTOTAL</i>				<i>Number of Fires - 24</i>	<i>49,939.00</i>	<i>\$326,900</i>	

		Number of Fires	Acres Burned	ODF Costs	Other Costs	Total Costs
Total	Total Fires	121	241,002.77	\$7,421,260	\$1,544,438	\$8,965,697
	Threat to ODF	74	130,881.95	\$7,406,257	\$1,207,002	\$8,613,258

Acres include just those associated with the Non-Pay area.

* Includes District Costs, FEMA Costs, and Extra Cost Estimates.

** Other Agency Cost Estimates

*** Average acres burned per year on unprotected lands over the last 10 years on Burns BLM (used 5 years)

Appendix F

Legislative History Detail

Bills related to wildland fire protection coverage were introduced in the 1997, 1999, and the 2003 legislature. The contents of those bills are included here as back ground information.

Senate Bill 365 1997 Legislature

Senate Bill 227 1999 Legislature

House Bill 2202 2003 Legislature

Senate Bill 365

69th OREGON LEGISLATIVE ASSEMBLY--1997 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + }.

LC 2247

B-Engrossed

Senate Bill 365

Ordered by the Senate July 4

Including Senate Amendments dated May 9 and July 4

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs State Fire Marshal to undertake study of magnitude of problems posed by uncontrolled fires burning on lands unprotected by any formal fire protection agency. Specifies areas of study. Directs State Fire Marshal to appoint Unprotected Areas Committee to assist in effort. Specifies membership of committee.

{ + Appropriates money from General Fund to Department of State Police.

Declares emergency, effective July 1, 1997. + }

A BILL FOR AN ACT

Relating to protection of lands from fire; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Section 2 of this Act is added to and made a part of ORS chapter 476. + }

SECTION 2. { + (1) It is recognized that there is concern on the part of landowners, fire protection agencies and the public in general relative to uncontrolled fires burning on lands or within structures not protected by any formal fire protection agency. Uncontrolled fires can represent a threat to life, property and natural resources of this state. The magnitude of potential problems associated with uncontrolled fires is currently not well documented.

(2) The State Fire Marshal is directed to undertake a concerted effort to determine the level of concern and the magnitude of the problems in unprotected areas to include the following:

(a) A detailed analysis of past fire history as to numbers, size, causes, trends and other related factors for the past 20 years.

(b) Fire suppression and related costs.

(c) Traditional control methods and effectiveness of methods such as landowner actions.

(d) Expenditures by organized fire protection agencies.

(e) Fire cost collection activities.

(f) Liability implications for landowners and fire protection agencies in such fire events.

(g) The role of county emergency services functions.

(h) Current legal restrictions on agency responses to such uncontrolled fires.

(i) Such other matters as are pertinent to the analysis.

(3) In order to achieve wide input on this analysis and to recommend possible solutions, should the need be indicated, the State Fire Marshal shall appoint an Unprotected Areas Committee to provide guidance for this effort. The committee shall be composed of landowners who reside in unprotected areas as well as others familiar with the situation. The committee shall consist of the following persons:

(a) One ranchland owner owning more than 30,000 acres.

(b) One ranchland owner owning between 10,000 and 30,000 acres.

- (c) One ranchland owner owning less than 10,000 acres.
- (d) One homeowner residing in an unprotected area.
- (e) One nonindustrial forestland owner potentially threatened by uncontrolled fires.
- (f) One industrial forestland owner potentially threatened by uncontrolled fires.
- (g) One representative from the State Forestry Department, who serves as a nonvoting member.
- (h) One representative from an organized rural fire department, who serves as a nonvoting member.
- (i) One county commissioner from east of the summit of the Cascades, who serves as a nonvoting member.
- (j) One representative from the Oregon Cattlemen's Association.
- (k) One representative from the Oregon Farm Bureau.
- (l) One representative from the Oregon Forest Industries Council.
- (m) One person representing other state agencies with interests in the issue of fire protection, who serves as a nonvoting member.
- (n) One representative from the insurance industry, who serves as a nonvoting member.
- (4) The State Fire Marshal shall strive to attain a geographic representation of the landowners appointed to the committee. The committee shall elect a chairperson from the landowners serving on the committee.
- (5) The State Fire Marshal shall provide administrative and technical assistance to the committee and shall be responsible for preparing such reports or other matters as directed by the committee.
- (6) The committee, to the maximum extent possible, will conduct meetings and listening sessions in close proximity to areas where formal fire protection agencies do not exist. + }

SECTION 3. { + The State Fire Marshal, in cooperation with the Unprotected Areas Committee, shall complete the initial analysis by July 1, 1998, and shall report the findings to those legislative interim committees and task forces with responsibility for natural resources issues. The initial report shall include statistical and other information but shall not include any recommendations. Following necessary action, the Unprotected Areas Committee, if so directed, shall develop a list of recommendations including a range of solutions from the status quo to community outreach and educational efforts up to and including proposed legislative changes to be submitted to the Seventieth Legislative Assembly. + }

SECTION 4. { + Sections 1 to 3 of this Act are repealed on December 31, 1999. + }

SECTION 5. { + Notwithstanding any other law, in addition to the appropriation made by section 1, chapter __, Oregon Laws 1997

(Enrolled Senate Bill 5517), there is appropriated to the Department of State Police, out of the General Fund, for the biennium beginning July 1, 1997, the sum of \$48,500. Such sum may only be used to carry out the provisions of this Act. + }

SECTION 6. { + This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect July 1, 1997. + }

Senate Bill 227

70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + }.

LC 791

Senate Bill 227

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President
(at the request of State Board of Forestry)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Allows forester to recover costs incurred to extinguish fire on unprotected land.

A BILL FOR AN ACT

Relating to recovery of fire suppression costs.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Section 2 of this 1999 Act is added to and made a part of ORS chapter 477. + }

SECTION 2. { + (1) When a fire threatens land not protected under ORS 476.310 or 476.320 or ORS chapter 478 or this chapter, and the governing body of a county or the owner of the threatened land requests the assistance of the forester, the forester may allow, with or without a contract or agreement to do so, the use of fire-fighting resources available to the forester to extinguish the fire. The forester may recover from the party requesting the assistance some or all of:

- (a) The amount due under a contract or agreement with the owner for the services provided by the forester; or
- (b) If there is no contract or agreement, the actual costs incurred by the forester in extinguishing the fire.

(2) The forester shall collect the amounts allowed under subsection (1) of this section from the liable party in the same manner as costs are recovered under ORS 477.068. + }

House Bill 2202

72nd OREGON LEGISLATIVE ASSEMBLY--2003 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + }.

LC 709

House Bill 2202

Ordered printed by the Speaker pursuant to House Rule 12.00A (5).
Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Forestry Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Defines unprotected land for purposes of fire abatement. Specifies that uncontrolled fire on unprotected land is public nuisance. Allows forester to attack or control fire on unprotected land and bill owners of unprotected land for actual costs of fire suppression.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to fire prevention on unprotected land; creating new provisions; amending ORS 477.001; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Sections 2 to 4 of this 2003 Act are added to and made a part of ORS chapter 477. + }

SECTION 2. { + Notwithstanding its origin, a fire on unprotected land that is burning uncontrolled or burning without proper action being taken by the owner of the unprotected land, a representative of the owner or an operator on the unprotected land to control the fire's spread is a public nuisance by reason of the menace the fire poses to life, natural resources and property. The spread of a fire across a property line is prima facie evidence of the fire burning uncontrolled. + }

SECTION 3. { + (1) The forester may attack or control any fire on unprotected land that is burning uncontrolled or that is burning without proper action being taken by the owner of the unprotected land, a representative of the owner or an operator on the unprotected land to control the fire's spread if the forester determines that either:

(a) A reasonable person would believe that the fire will spread to the boundary of a forest protection district if left uncontrolled; or

(b) Fire suppression resources are in critical shortage, such that taking early action to suppress fires will help prevent further resource shortages.

(2) The forester is not required to attack or control structural fires. However, the forester may take actions to prevent a structural fire from spreading to surrounding vegetation. + }

SECTION 4. { + If the forester has attacked or controlled a fire pursuant to section 3 of this 2003 Act, the forester may bill the owners of the unprotected land involved in the fire for the actual costs incurred by the forester for the fire suppression action taken. An owner is liable for actual costs if billed by the forester. The forester may recover actual costs billed under this section in the same manner as that provided for cost recovery under ORS 477.068. + }

SECTION 5. ORS 477.001 is amended to read:

477.001. As used in this chapter, unless the context otherwise requires:

(1) 'Additional fire hazard' means a hazard that has been determined to exist by the forester pursuant to ORS 477.580.

(2) 'Board' means the State Board of Forestry.

(3) 'Campfire' means any open fire used for cooking, personal warmth, lighting, ceremonial or aesthetic purposes that is hand built and that is not associated with any debris disposal activities.

- (4) 'Department' means the State Forestry Department.
- (5) 'District' means a forest protection district organized under ORS 477.225.
- (6) 'Every reasonable effort' means the use of the reasonably available personnel and equipment under the supervision and control of an owner or operator usually and customarily used in the forest industry to fight fire, which are needed to fight the fire and which can be brought to bear on the fire in a timely fashion.
- (7) 'Fire season' means a period designated pursuant to ORS 477.505.
- (8) 'Fiscal year' means the period beginning on July 1 of any year and ending on June 30 of the next year.
- (9) 'Forestland' means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed. As used in this subsection, 'clearing' means any grassland, improved area, lake, meadow, mechanically or manually cleared area, road, rocky area, stream or other similar forestland opening that is surrounded by or contiguous to forestland and that has been included in areas classified as forestland under ORS 526.305 to 526.370.
- (10) 'Forest patrol assessment' means the costs levied and assessed under ORS 477.270.
- (11) 'Forest protective association' or 'association' means an association, group or agency composed of owners of forestlands, organized for the purpose of protecting such forestlands from fire.
- (12) 'Forest resource' means the various types of vegetation normally growing on Oregon's forestland, the associated harvested products and the associated residue, including but not limited to brush, grass, logs, saplings, seedlings, trees and slashing.
- (13) 'Forester' means the State Forester or authorized representative.
- (14) 'Governing body' of a county means the county court or board of county commissioners.
- (15) 'Grazing land' is defined by ORS 477.205.
- (16) 'Open fire' means any outdoor fire that occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.
- (17) 'Operation' means any industrial activity, any development or any improvement on forestland inside or within one-eighth of one mile of a forest protection district, including but not limited to the harvesting of forest tree species, the clearing of land, the use of power-driven machinery and the use of fire, excluding, however, the culture and harvesting of agricultural crops.
- (18) 'Operation area' means the area on which an operation is being conducted and the area on which operation activity may have resulted in the ignition of a fire.
- (19) 'Operation in progress' means that time when workers are on an operation area for the purpose of an operation, including the period of time when fire watches are required to be on the operation area pursuant to ORS 477.665.
- (20) 'Operator' means any person who, either personally or through employees, agents, representatives or contractors, is carrying on or has carried on any operation.
- (21) 'Owner' means an individual, a combination of individuals, a partnership, a corporation, the State of Oregon or a political subdivision thereof, or an association of any nature that holds an ownership interest in land.
- (22) 'Political subdivision' includes, but is not limited to, counties, cities and special districts.
- (23) 'Rangeland' is defined by ORS 477.315.
- (24) 'Routine road maintenance' is defined by ORS 477.625.
- (25) 'Side' means any single unit of a logging operation employing power-driven machinery.
- (26) 'Slashing' means the forest debris or refuse on any forestland resulting from the cutting, killing, pruning, severing or removal of brush, trees or other forest growth.
- (27) 'State Forester' means the person appointed State Forester pursuant to ORS 526.031 or the person serving in the position on an interim or delegated basis.
- (28) 'Summit of the Cascade Mountains' is considered to be a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County; thence southerly along the western boundaries of Wasco, Jefferson, Deschutes and Klamath Counties to the southern boundary of the State of Oregon.
- (29) 'Timberland' is defined by ORS 477.205.
- { + (30) 'Unprotected land' means land that is not protected from fire by a federal or state agency, a municipal fire department, a rural fire protection district organized under ORS chapter 478, a forest protective association or a rangeland protection system organized under ORS 477.320. + }
- { - (30) - } { + (31) + } 'Warden' means a fire warden appointed under ORS 477.355.
- SECTION 6. { + This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage. + }

Appendix G Governing Statutes

Oregon Revised Statute (ORS) Chapters

401 – Emergency Services and responsibility and for providing them

476 – Oregon State Fire Marshal’s Office related statutes. Contains statutes that address Zone 1 and 2 Lands, authorizes suppression action on unprotected lands.

477 – Oregon State Forester fire protection related statutes.

478 – Rural Fire Protection Districts

526 – Forestry Administration. Contains statutes that address forest land classification.

Statute Overview

The issue of wildland and rural fire protection is described in statutes in Chapters 526, 401, 476, 477, and 478.

There is a common link of flammable vegetation hazard and fires between all these Chapters. Responsibilities are described and they include: State Forester, State Fire Marshal, County government, and the individual landowner.

All rural lands in the State of Oregon that during anytime of the year have flammable vegetation that creates a fire hazard are required to have fire protection. That protection is required under statute **ORS 477** for Forest Protection Districts and is the responsibility of the State Forester.

Lands are classified into five categories, three described as forestland and two described as undeveloped lands. Class 1, 2, and 3 are the categories of forestland, **ORS 526.324**, and Zone 1 and 2 are the categories for undeveloped land, **ORS 476.310**. Undeveloped lands are those lands that are outside the boundaries of cities, rural fire districts, federal and state owned lands, and lands covered under **ORS 477**.

There is no jurisdictional conflict between a Forest Protection District and a Rural Fire District inside of the Forest Protection District boundary. Forested lands are to be protected by the Forest Protection District and a homestead not to exceed five acres can be protected by the Rural Fire District, **ORS 478.010**. These lands are subject to dual assessment.

There are three types of classification groups or committees. The first is the Forestland Classification Committee authorized under **ORS 526.305**, which determines the land classification of forestland. The second is the Forestland-Urban Interface Classification Committee authorized by **ORS 477.015**, which will classify forestland-urban interface. Those classification standards are yet to be determined. The third is the responsibility of the governing body of the county in cooperation with the State Board of Forestry to designate the undeveloped lands either Zone 1 or 2, **ORS 476.310**. The form of fire protection for Zone 1 lands is determined jointly by the governing body of the county, the State Board of Forestry and the State Fire Marshall, **ORS 476.320**.

Lands classified as Class 3 may include undeveloped grasslands if such lands are within two miles of forestland.

Oregon Revised Statute (ORS)
(not all parts of the following statutes are listed)

ORS 401: Emergency Management Services

401.015 Statement of policy and purpose.

(1) The general purpose of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580 is to reduce the vulnerability of the State of Oregon to loss of life, injury to persons or property and human suffering and financial loss resulting from emergencies, and to provide for recovery and relief assistance for the victims of such occurrences.

(2) It is declared to be the policy and intent of the Legislative Assembly that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local government level. The state shall prepare for emergencies, but shall not assume authority or responsibility for responding to such an event unless the appropriate response is beyond the capability of the city and county in which it occurs, the city or county fails to act, or the emergency involves two or more counties. [1983 c.586 §1]

401.025 Definitions

(4) "Emergency" includes any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war.

(10) "Emergency services" includes those activities provided by state and local government agencies with emergency operational responsibilities to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. These activities include, without limitation, coordination, preparedness planning, training, interagency liaison, fire fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as "civil defense" in section 3 of the Act of January 12, 1951, P.L. 81-920 (50 U.S.C. 2252).

401.035 Responsibility for emergency services systems.

(1) The Governor is responsible for the emergency services system within the State of Oregon.

(2) The executive officer or governing body of each county or city of this state is responsible for the emergency services system within that jurisdiction.

401.305 Emergency management agency of city or county; emergency program manager; coordination of emergency management functions.

Each county of this state shall, and each city may, establish an emergency management agency which shall be directly responsible to the executive officer or governing body of the county or city. The executive officer or governing body of each county and any city which participates shall appoint an emergency program manager who shall have responsibility for the organization, administration and operation of such agency, subject to the direction and control of the county or city. The local governing bodies of counties and cities that have both city and county emergency management programs shall jointly establish policies which provide direction and identify and define the purpose and roles of the individual emergency management programs, specify the responsibilities of the emergency program managers and staff and establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions. Each emergency management agency shall perform emergency program management functions within the territorial limits of the county or city and may perform such functions outside the territorial limits as required under any mutual aid or cooperative assistance agreement or as authorized by the county or city. Such emergency management functions shall include, as a minimum, coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities, and establishment of an incident command structure for management of a coordinated response by all local emergency service agencies. [1983 c.586 §12; 1993 c.187 §9]

401.315 City or county authorized to incur obligations for emergency services; county determination of emergency.

In carrying out the provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, counties or cities may enter into contracts and incur obligations necessary to mitigate, prepare for, respond to or recover from emergencies or major disaster. A county shall assess whether an emergency exists. [1983 c.586 §13; 1991 c.418 §2]

401.325 Emergency management agency appropriation; tax levy.

(1) Each county and city may make appropriations, in the manner provided by law for making appropriations for the expenses of the county or city, for the payment of expenses of its emergency management agency and may levy taxes upon the taxable property within the county or city.

(2) An appropriation made under subsection (1) of this section shall be budgeted so that it is possible to identify it as a distinguishable expense category. [1983 c.586 §14]

401.480 Cooperative assistance agreements.

The state, counties and cities may, in collaboration with public and private agencies, enter into cooperative assistance agreements for reciprocal emergency aid and resources. [1983 c.586 §15]

ORS 476: State Fire Marshall; Protection from Fire

EXTINGUISHING FIRES IN UNPROTECTED AREAS

476.280 Municipal fire departments and rural fire protection districts authorized to extinguish fires in unprotected areas.

(1) The fire chief, or the representative of the fire chief, of any duly organized municipal or rural fire protection district may extinguish any uncontrolled fire found to be burning in any unprotected area, if:

(a) The governing body of the city or the district board of the rural fire protection district, as the case may be, has authorized the fire chief and the representatives of the fire chief to extinguish uncontrolled fires that are found to be burning in unprotected areas situated outside of the boundaries of the city or district and that are causing or may cause an undue jeopardy to life or property; and

(b) The fire chief or the representative of the fire chief believes that such fire is causing or may cause undue jeopardy to life or property.

(2) In extinguishing a fire pursuant to subsection (1) of this section, the fire chief and the representatives of the fire chief may employ the same means and resources used by them to extinguish similar fires within their jurisdiction.

[1971 c.683 §1]

476.290 Billing owner of property for cost of extinguishing fire; cost limited; collection; action for recovery of cost.

Whenever a fire is extinguished pursuant to ORS 476.280, the governing body of the city or the district board of the rural fire protection district that provided such fire suppression service may bill the owner of the property involved in such fire for the cost of providing such fire suppression service on forms furnished by the State Fire Marshal for such purposes. The governing body of the city or the district board of the rural fire protection district that provided such fire suppression service may determine the cost of providing such fire suppression service by use of a state standardized-costs schedule as approved by the State Fire Marshal; but, in no event, shall any such cost be greater than the pro rata cost that would have been charged by such city or district for the performance by it of a similar fire suppression service within its jurisdiction. If any such cost is not paid within 30 days after the second billing, the governing body of the city or the district board of the rural fire protection district that provided the fire suppression service may bring an action for the recovery of such unpaid cost from the owner of the real property upon which the fire suppression service was rendered. [1971 c.683 §2]

FIRE PREVENTION AND CONTROL ON CERTAIN LANDS NOT OTHERWISE PROTECTED

476.310 Zoning and rezoning of certain lands; hearing on petition of owners in nonzoned territory; duty of landowner to provide fire protection.

(1) The governing body of each county may, in cooperation with the State Board of Forestry, zone and, as often as necessary, rezone any lands within the county lying outside the boundaries of incorporated cities, organized rural fire protection districts, federal and state-owned lands, lands protected under ORS chapter 477 and railroad rights of way; except that railroad rights of way may be zoned or rezoned if the owners of such rights of way file their written consent with the governing body. Lands, when zoned or rezoned, shall be divided into two zones as follows:

(a) Zone 1 shall be composed of forest, range, grass or undeveloped lands, or any of such lands intermingled with grazing and agricultural lands.

(b) Zone 2 shall be composed of rural lands not included in zone 1.

(2) During the season of the year when there is danger of fire, every owner of zone 1 land shall provide adequate protection against the starting or spread of fire thereon or therefrom, which protection shall meet with the approval of the governing body of the county in which the zone 1 land is located.

(3) An owner shall be deemed to have complied with the requirements of subsection (2) of this section if, on January 1 of each year, the owner files with the governing body of the county a bona fide fire protection plan which meets with the approval of the county governing body. The governing body of the county, or its appointed representative, shall periodically inspect the protection facilities provided under such a plan in order to confirm compliance by the owner.

(4) If any owner of zone 1 land fails or neglects to file a fire protection plan, or to comply with the standard of protection approved by the county governing body, the governing body shall provide for forest protection pursuant to ORS 476.320.

(5) Nothing contained in ORS 476.310 to 476.340 shall prevent interested property owners in any nonzoned territory as described above from petitioning the governing body and State Board of Forestry to hold a hearing on the matter of zoning the territory if a majority of the landowners within the territory file such petition. The governing body, cooperating with the State Board of Forestry, shall give full consideration to the wishes of the landowners as shown by the hearing. [Amended by 1957 c.432 §1; 1963 c.222 §1; 1965 c.253 §143; 1991 c.459 §415a]

476.320 Determination of form of fire protection for lands in zone 1; costs.

(1) The form of protection from fire for lands lying in zone 1 shall be determined jointly by the governing body of the county, the State Fire Marshal and the State Board of Forestry, which determination shall be reduced to writing, signed by the officers of the agencies and entered in the journal of the governing body of the county.

(2) The authority of the State Board of Forestry may be extended to include the establishment of forest protection on lands lying within zone 1 for lands not subject to a fire protection plan under ORS 476.310. For such purposes the board of forestry may contract with individuals, associations, agencies, corporations, rural fire protection districts, counties, cities, federal agencies, or any of them. The cost of protection in zone 1 shall be assessed and collected in the same manner as protection costs for lands protected under ORS chapter 477.

(3) The moneys received by the State Board of Forestry under this section shall be paid into the State Treasury and credited to the State Forestry Department Account and shall be used exclusively for the purposes stated in this section.

(4) As used in this section, the "authority of the State Board of Forestry" means the duties, obligations, requirements and penalties of ORS chapter 477. [Amended by 1957 c.83 §5; 1965 c.253 §144; 1967 c.429 §53; 1981 c.362 §1; 1991 c.459 §415b; 1999 c.355 §1]

476.330 Prevention and control of fires in zone 2; tax levy.

(1) The county court or board of county commissioners of any county may prevent and control fire occurring within the limits of zone 2 in such county, and may for such purposes establish and maintain fire fighting and fire control facilities and contract with existing fire control agencies, either individuals, associations, corporations, cities or rural fire protection districts. The State Fire Marshal, upon the request of any county court or board of county commissioners, shall meet with and advise such county court or board of county commissioners as to the establishment and maintenance of fire fighting and fire protection equipment and facilities.

(2) If the court or board establishes fire fighting and fire protection equipment and facilities, it shall not discontinue such equipment and facilities until at least three years after notice of its intention to do so has been first published in a newspaper considered by the board to be of general circulation in the county. The notice shall be published by four insertions in the newspaper and 12 months shall elapse between each insertion.

(3) While the county court or board of county commissioners of any county is maintaining fire fighting and fire protection equipment and facilities, the court or board annually shall levy a tax upon the taxable property lying within zone 2 in the county, not to exceed one-fourth of one percent (.0025) of the real market value of all taxable property within the zone, computed in accordance with ORS 308.207, for the purpose of furnishing such fire protection.

(4) The court or board of county commissioners upon approval of the majority of the electors of zone 2 voting at a special election called for such a purpose, after notice as provided by ORS 255.095, may levy a special tax of not to exceed one-fourth of one percent (.0025) of the real market value of all taxable property within the zone, computed in accordance with ORS 308.207. This special levy may be in addition to the regular levy under subsection (3) of this section.

(5) To carry into effect any of the powers granted under this section, the court or board, when authorized by a majority of the votes cast by the electors of the zone voting at an election called for that purpose by the court or

board after notice, as provided by ORS 255.095, may borrow money and sell and dispose of general obligation bonds, which bonds shall never in the aggregate exceed one and one-fourth of one percent (.0125) of the real market value of all taxable property within the zone, computed in accordance with ORS 308.207.

(6) The tax limitations provided in subsections (3) and (4) of this section shall not apply to taxes levied to pay principal or interest on outstanding bonds. [Amended by 1955 c.262 §1; 1959 c.288 §1; 1963 c.9 §29; 1967 c.356 §1; 1969 c.590 §1; 1971 c.647 §107; 1991 c.459 §416]

476.340 Establishment of rural fire protection districts in zone 2; exemption from taxation of property included in district.

Nothing contained in the provisions of ORS 476.310 to 476.330 shall be construed to prohibit the establishment of rural fire protection districts as provided by law within the boundaries of zone 2 as the same may be established in any county. In event of the organization of a rural fire protection district comprising lands in zone 2, property included within such fire protection district shall not thereafter be taxed or assessed under the provisions of ORS 476.320 or 476.330. [Amended by 1955 c.262 §2; 1963 c.222 §2]

476.380 Fire permits; limitations upon burning; records.

(1) No person, outside the boundaries of a rural fire protection district or a forest protection district, shall cause or permit to be initiated or maintained on the property of the person, or cause to be initiated or maintained on the property of another any open burning of commercial waste, demolition material, domestic waste, industrial waste, land clearing debris or field burning without first securing a permit from the county court or board of county commissioners.

(2) The county court or board of county commissioners, or its designated representative, shall prescribe conditions for issuance of any permit and shall refuse, revoke or postpone issuance of permits when necessary to prevent danger to life or property or to protect the air resources of this state. The Environmental Quality Commission shall notify the State Fire Marshal of the type of and time for burning to be allowed on each day under schedules adopted pursuant to ORS 468A.570 and 468A.595. The State Fire Marshal shall cause all county courts and boards of county commissioners or their designated representatives in the affected areas to be notified of the type of and time for burning to be allowed on each day and of any revisions of such conditions during each day. The county court, board or representative shall issue permits only in accordance with schedules of the Environmental Quality Commission adopted pursuant to this section and ORS 468A.555 to 468A.620 and 468A.992, 476.990, 478.960 and 478.990 but may reduce the hours allowed for burning if necessary to prevent danger to life or property from fire. The State Fire Marshal may refuse or postpone permits when necessary in the judgment of the State Fire Marshal to prevent danger to life or property from fire, notwithstanding any determination by the county court or board of county commissioners or its designated officer. Notwithstanding any other provision of this subsection, for a permit for the propane flaming of mint stubble, the county court or board of county commissioners, or its designated representative may only prescribe conditions necessary to prevent the spread of fire or to prevent endangering life or property and may refuse, revoke or postpone permission to conduct the propane flaming only when necessary to prevent danger to life or property from fire.

(3) Nothing in this section:

(a) Requires permission for starting a campfire in a manner otherwise lawful.

(b) Relieves a person starting a fire from responsibility for providing adequate protection to prevent injury or damage to the property of another. If such burning results in the escape of fire and injury or damage to the property of another, such escape and damage or injury constitutes prima facie evidence that the burning was not safe.

(c) Relieves a person who has obtained permission to start a fire, or the agent of the person, from legal liability for property damage resulting from the fire.

(d) Permits an act within a city or regional air quality control authority area that otherwise is unlawful pursuant to an ordinance of the city or rule, regulation or order of the regional authority.

(4) The county court or board of county commissioners shall maintain records of all permits and the conditions thereof, if any, that are issued under this section and shall submit at such times, as the Environmental Quality Commission shall require such records or summaries thereof to the commission. The Environmental Quality Commission shall provide forms for the reports required under this subsection. [1967 c.420 §3; 1969 c.613 §2; 1971 c.563 §8; 1973 c.835 §164; 1975 c.635 §2; 1991 c.920 §21; 1997 c.473 §5]

ORS 477: Fire Protection of Forests and Vegetation

HAZARD ABATEMENT

477.062 Inadequately protected forestland declared nuisance; notice to protect; work at expense of owner; collection of amount expended.

(1) All forestland that by reason of its lack of adequate fire protection endangers life, forest resources or property is declared to be a public nuisance.

(2) Whenever the forester learns thereof, the forester may direct the owner or operator of such forestland to take proper steps for its protection and advise the owner or operator of means to that end. In case of refusal or neglect by either to take precautions against fire required by law or when so directed by the forester in writing, within such time as specified in the writing, then the forester may have such work done as the forester considers necessary for the protection of life, forest resources or property, without the necessity of court action.

(3) The cost of work under subsection (2) of this section and the expense of any patrol rendered necessary by the want of adequate protection of such forestland shall be recovered by an action prosecuted in the name of the state.

(4) All moneys collected under this section shall be paid into the State Treasury, credited to the State Forestry Department Account and expended as other moneys in that account are expended.

FIRE ABATEMENT

477.064 Uncontrolled fire declared nuisance.

Any fire on any forestland in Oregon burning uncontrolled or without proper action being taken to prevent its spread, notwithstanding its origin, is declared a public nuisance by reason of its menace to life, forest resources or property. The spread of fire in forestland across an ownership boundary is prima facie evidence of fire burning uncontrolled. [Formerly 477.034; 1997 c.274 §3]

477.066 Duty of owner and operator to abate fire; abatement by authorities.

(1) Each owner and operator of forestland on which a fire exists or from which it may have spread, notwithstanding the origin or subsequent spread thereof, shall immediately proceed to control and extinguish such fire when its existence comes to the knowledge of the owner or operator, without awaiting instructions from the forester, and shall continue until the fire is extinguished.

(2) If the forester determines the fire is either burning uncontrolled or the owner or operator does not then have readily and immediately available personnel and equipment to control or extinguish the fire, the forester, or any forest protective association or agency under contract or agreement with the State Board of Forestry for the protection of forestland against fire, and within whose protection area the fire exists, shall summarily abate the nuisance thus constituted by controlling and extinguishing the fire.

477.120 Liability of forestland owner or operator.

(1) Except as provided in subsections (2) and (3) of this section, the owner or operator of forestland is not subject to the obligations or penalties of ORS 164.335 and 477.740 or 477.064, 477.066 and 477.068 if:

- (a) Forest patrol assessments are regularly paid for the forestland; or
- (b) Such forestland is protected pursuant to membership in a forest protective association in accordance with ORS 477.210, which association has undertaken the control and suppression of fires on such land as provided in the contract; or
- (c) Such forestland is protected pursuant to cooperative agreement or contract under ORS 477.406

(2) The provisions of subsection (1) of this section do not apply to such owner or operator if the owner or operator:

- (a) Is willful, malicious, or negligent in the origin or subsequent spread of a fire on such forestland;
- (b) Has caused or permitted an operation to exist on such forestland and a fire originates thereon as a result of the operation;

- (c) Has failed to give notice to the forester pursuant to ORS 477.580 (1) or has failed within the time prescribed in any order or notice issued by the forester to reduce, abate, or offset any hazard determined to exist pursuant to ORS 477.062 or ORS 477.580 and a fire originates on or spreads to the area on which such hazard exists and for which no release has been granted pursuant to ORS 477.580 (3) or (4); or
- (d) Has caused or allowed any burning, including burning regulated by ORS 477.013 or ORS 477.515, whether or not a permit has been obtained and a fire results from or is caused by such burning.

FOREST PROTECTION DISTRICTS

477.205 Definitions for ORS 477.205 to 477.281.

As used in ORS 477.205 to 477.281, unless the context requires otherwise:

- (1) "Grazing land" means forestland, within a forest protection district, that has been classified as Class 3, agricultural class, as provided by ORS 526.305 to 526.370.
- (2) "Timberland" means forestland, within a forest protection district, that has not been classified as Class 3, agricultural class, under ORS 526.305 to 526.370. [1965 c.253 §56]

477.210 Duty of owner to protect forestland; forester's duty to provide protection upon noncompliance.

- (1) During the season of the year when there is danger of fire, every owner of forestland shall provide adequate protection against the starting or spread of fire thereon or therefrom, which protection shall meet with the approval of the State Board of Forestry.
- (2) Subsection (1) of this section is considered to have been complied with if, on January 1 of each year, the owner (a) files with the forester a bona fide forest protection plan which meets with the approval of the board, or (b) is a member in good standing in a forest protective association maintaining a standard of protection approved by the board. The forester shall make periodic inspections of the protection facilities provided in order to ascertain compliance by the owner.
- (3) In case any owner of forestland shall fail or neglect to file such a fire plan or maintain the standard of protection approved by the board, either through compliance with the fire plan or membership in an approved association, then the forester under the direction of the board shall provide forest protection pursuant to ORS 477.205 to 477.281.
- (4) The forester shall provide protection pursuant to ORS 477.205 to 477.281 for forestland owned by the state or by a political subdivision located within a forest protection district, unless adequate protection as required by this section is otherwise provided. [Formerly 477.024]

477.220 Lands not provided protection; lands not included within ORS 477.205 to 477.281.

- (1) The forester is not required to provide protection for forestland that is either a small parcel or a tract isolated from a forest protection district and which land is found by the forester as not practicable to be included in a forest patrol system.
- (2) ORS 477.205 to 477.281 do not apply to federal grazing land or federal timberland within this state for which adequate protection is provided unless the lands have been included within the boundaries of a forest protection district pursuant to a cooperative agreement with the federal government approved by the State Board of Forestry.
- (3) Upon written request of the owner of lands which have been incorporated within a rural fire protection district, the forester shall determine whether such lands, or any part thereof, are forestland; thereafter, those lands which have been so determined shall be included within ORS 477.205 to 477.281 unless excluded pursuant to subsection (1) of this section. [Formerly 477.053]

477.225 Establishment and change of forest protection districts; rules.

The State Forester, by rule, shall designate areas of forestland within this state as forest protection districts within which the forester is required to provide protection pursuant to this chapter. In establishing new boundaries or changes in boundaries of the districts, the State Forester may, for the purposes of administrative convenience, designate mountain ranges, rivers, streams, roads or other recognizable landmarks as boundaries. Boundaries may be established or changed only after a public hearing. [Formerly 477.026; 1997 c.274 §4]

RANGELAND

477.315 Definition for ORS 477.315 to 477.325.

As used in ORS 477.315 to 477.325, "rangeland" means any land:

- (1) That is located in that part of the state lying easterly of the summit of the Cascade Mountains; and
- (2) That has not been classified as Class 1, Class 2 or Class 3 forestland under ORS 526.305 to 526.370; and
- (3) That contains isolated tracts of forestland not so classified or not within a forest protection district, or that is primarily rangeland, undeveloped land or undeveloped area containing sagebrush, juniper and similar growths. [Formerly 477.142]

477.320 Request of rangeland owners for protection; hearings; determination; cooperative agreements for protection.

- (1) Owners of rangeland may request the State Board of Forestry to hold a hearing on the subject of providing protection from fire for rangeland. Upon receipt of such request, the board or its authorized representative shall hold one or more public hearings in order to receive from interested persons information relating to the providing of such protection, and shall cause public notice of the time and place of each hearing to be given. The board or its authorized representatives shall keep the records of the proceedings of such hearings as public records.
- (2) After the hearing referred to in subsection (1) of this section, the board shall determine whether the rangeland should be included within a protection system. If the board determines that rangeland should be included in a rangeland protection system, the board, in cooperation with interested persons, shall establish the extent and type of protection to be provided. Such protection shall be commensurate with the values and uses of the rangeland to be protected.
- (3) After proceedings under subsections (1) and (2) of this section, the forester shall provide the type and extent of protection determined under subsection (2) of this section for rangeland determined to be included within a protection system under subsection (2) of this section. For the purpose of providing such protection, the forester may enter into cooperative agreements or contracts with the owners of the rangeland, individuals, associations, corporations, road districts, rural fire protection districts or agencies of the federal government. [Formerly 477.144; 1999 c.355 §10]

ORS 478: Rural Fire Protection Districts

FORMATION

478.010 Formation; territories that may not be included in districts.

(1) A rural fire protection district may be formed in the manner set forth in ORS 478.010 to 478.100.

(2) A district may not include:

(a) Territory within a city unless otherwise authorized by law.

(b) Territory within a water supply district organized under ORS chapter 264 if the district has previously been authorized by its electors to exercise the fire protection powers prescribed by ORS 264.340.

(c) Forestlands included within a forest protection district under ORS 477.205 to 477.281 unless the owner consents and notifies the rural fire protection district, however, forestland protected pursuant to ORS 477.205 to 477.281 and not exceeding five acres in one ownership shall be included in the rural fire protection district without the owner's consent if the ownership includes any structures subject to damage by fire. Forestland included in a rural fire protection district under this subsection subjects the forestland to assessments for fire protection by the rural fire protection district and the forest protection district.

(d) Railroad rights of way or improvements thereon or rolling stock moving thereover unless the owner of such property consents.

(e) Ocean shores as defined by ORS 390.605. [Subsection (2) enacted as 1953 c.144 §1; 1969 c.651 §3; 1969 c.667 §§3, 69; 1971 c.727 §137; 1973 c.124 §1; 1973 c.337 §1a; 2001 c.104 §217]

478.115 County governing body to determine territory of district.

Subject to the provisions of ORS 478.010, a county governing body may, under ORS 198.705 to 198.955, include in or exclude from a proposed district, or territory proposed to be annexed to a district, such territory as it determines. [1979 c.473 §2]

ORS 478.120 Inclusion of forestland in district.

The authority to include forestland within a rural fire protection district pursuant to ORS 478.010 (2)(c) applies to forestland within the exterior boundaries of an existing district and to forestland on which structures subject to damage by fire have been added after July 20, 1973. [1973 c.337 s.3]

478.150 Conference with State Forestry Department required prior to formation of district or annexation of territory.

Prior to the formation of any rural fire protection district or the annexation of any territory to an existing rural fire protection district of any territory within the exterior boundaries of a forest protection district established pursuant to ORS chapter 477, the petitioners of the proposed district or annexation shall confer with the State Forestry Department in determining the boundaries and lands to be included within the rural fire protection district. [1973 c.337 §6]

478.155 Formation of district with tax zones; contents of formation petition and order creating district;

determination of tax levy in each zone; boundary changes. (1) When formation of a district is proposed after October 15, 1983, the petition or order for formation may include, in addition to other information required under ORS 198.750 or 198.835:

(a) A statement that the district shall be divided into a specified number of zones for the purpose of imposing and levying ad valorem taxes at different rates in each zone based upon differences in services provided by the district in each zone.

(b) The boundaries of the proposed zones.

(2) If an election on formation of the district is held, the county board shall order the questions of whether or not to form the district and, if the district is formed, whether or not to divide it into zones to be submitted to the voters as separate questions to be voted upon separately.

(3) After an election on formation is held, if both the formation of the district and the division of the district into zones are approved by the voters, the order issued under ORS 198.820 (3) creating the district shall declare that the

district contains zones with the boundaries specified in the petition or order for formation. If only formation of the district is approved by the voters, the order creating the district shall be issued as provided in ORS 198.820.

(4) If the district is formed without an election, the order issued under ORS 198.820 (3) creating the district shall declare that the district contains zones with the boundaries specified in the petition or order for formation.

(5) When a district containing zones is formed under this section, the first board of directors of the district, prior to the levy of any ad valorem taxes by the district, shall provide notice of a public hearing and conduct the hearing as provided in ORS 478.480 (2) and 478.485. After the public hearing required under this section, the board shall enter an order in its journal stating the percentage of the total amount of ad valorem taxes of the district that will be collected in each zone. The board may then determine, make and declare the ad valorem tax levy for each zone.

(6) The boundaries of the zones and the percentages of taxes collected in each zone that are established for a district under this section shall be effective until the regular district election in the first odd-numbered year following the year in which the district is formed. At that regular district election, a proposal for changing the boundaries of the zones may be submitted to the voters of the district as provided in ORS 478.480 (2), 478.485 and 478.490. If no proposal for a boundary change is submitted, the boundaries of the zones established upon formation of the district shall be retained until notice of a change is given to, and approved by, the voters of the district as provided in ORS 478.480 (2), 478.485 and 478.490. [1983 c.569 §8]

ORS 526: Forestry and Forest Products

COUNTY FORESTLAND CLASSIFICATION

526.310 County classification committees.

(1) The governing body of each county containing forestland may establish a county forestland classification committee of five persons, of whom one shall be appointed by the State Forester, one by the Director of the Oregon State University Extension Service and three by the governing body. Of the members appointed by the governing body, one must be an owner of forestland or a representative thereof, and one must be an owner of grazing land or a representative thereof. Each appointing authority shall file with the forester the name of its appointee or appointees, and the persons so named shall constitute the committee for the county. Each member of the committee at all times is subject to replacement by the appointing authority, effective upon the filing with the forester by that authority of written notice of removal and the name of the new appointee.

(2) The committee shall elect from among its members a chair and a secretary and may elect or employ other officers, agents and employees, as it finds advisable. It shall adopt rules governing its organization and proceedings and the performance of its duties, and shall keep written minutes of all its meetings.

(3)(a) The governing body of the county may provide for the committee and its employees such accommodations and supplies and such county funds not otherwise appropriated as the governing body finds necessary for the proper performance of the committee's functions.

(b) The forester may provide for the committee and its employees such accommodations and supplies and such forest protection district funds as the forester finds necessary for the proper performance of the committee's functions.

(4) The members of the committee shall receive no compensation for their services but the governing body or the forester may reimburse them for their actual and necessary travel and other expenses incurred in the performance of their duties. [Amended by 1965 c.253 §34; 1967 c.429 §30; 1997 c.274 §42]

526.320 Investigation of forestlands by committees; determination of adaptability for particular uses.

Upon establishment of a committee under ORS 526.310, the committee shall investigate and study all forestland within its county and determine which of the land is suitable primarily for the production of timber, which is suitable primarily for joint use for timber production and the grazing of livestock, and which is suitable primarily for grazing or other agricultural use. Such determination shall take into consideration climate, topography, elevation, rainfall, soil conditions, roads, extent of fire hazards, recreation needs, scenic values, and other physical, economic and social factors and conditions relating to the land involved. [Amended by 1965 c.253 §35; 1967 c.429 §31]

526.324 Classification of forestland by committee; publication.

(1) Upon the basis of its investigation and determination under ORS 526.320, a committee shall assign all forestland within its county to one of the following classes:

(a) Class 1, timber class, includes all forestland primarily suitable for the production of timber.

(b) Class 2, timber and grazing class, includes all forestland primarily suitable for joint use for timber production and the grazing of livestock, as a permanent or semipermanent joint use, or as a temporary joint use during the interim between logging and reforestation.

(c) Class 3, agricultural class, includes all forestland primarily suitable for grazing or other agricultural use.

(2) The committee first shall adopt a preliminary classification and upon its completion shall cause notice thereof to be published once a week for two consecutive weeks in a newspaper of general circulation in the county and to be posted in three public places within the county. The notice shall state the time and place for hearing or receiving objections, remonstrances or suggestions as to the proposed classification and the place where a statement of the preliminary classification may be inspected. [1965 c.253 §37; 1967 c.429 §32]

526.328 Hearing; final classification; reclassification.

(1) The committee shall hold a public hearing at the time and place stated in the notice published under ORS 526.324 (2), or at such other time and place as the hearing may then be adjourned to, to receive from any interested persons objections, remonstrances or suggestions relating to the proposed classification. Following the hearing the

committee may make such changes in the preliminary classification as it finds to be proper, and thereafter shall make its final classification.

(2) All action by the committee in classifying or reclassifying forestland shall be by formal written order which must include a statement of findings of fact on the basis of which the order is made, and must include a map showing the classifications or reclassifications made. The original of the order shall be filed immediately with the county clerk of the county, who shall maintain it available for public inspection. A copy of the order certified by the secretary of the committee shall be sent to the State Board of Forestry. [1965 c.253 §38]

526.340 Classification by State Forester.

(1) In the event no classification of forestland is made by a committee within a county in which such land is situated because no committee was appointed for a period of time exceeding two years or, if appointed, a committee did not act for a period of time exceeding two years or acted in a manner inconsistent with law, the State Forester may make the final classifications that were otherwise to be made by a committee.

(2) Classifications by the State Forester have the same force and effect as though made by a committee for that county. However, classifications made by the State Forester cease to be effective if replaced by classifications made pursuant to ORS 526.328 by the appropriate committee. [Amended by 1965 c.253 §40; 1997 c.274 §43]

526.350 Policy in administering forest and fire laws; contracts for care of forestland; fire control; burning permits.

(1) All forest laws relating to forestland classified pursuant to ORS 526.328 or 526.340, and all rules promulgated under such laws, shall be so administered as best to promote the primary use for which that land is classified. Any contract by the State Board of Forestry or the State Forester with any forest protective association or agency for the care of any such forestland shall provide that the care shall be in accord with the provisions of this section relating to that land.

(2) It shall be the policy of the board and the forester as to all forestland classified in:

(a) Class 1, to give primary consideration to timber production and reforestation, in preference to grazing or agricultural uses, not excluding, however, recreation needs or scenic values.

(b) Class 2, to give equal consideration and value to timber production and the development or maintenance of grazing, either as a temporary use for the interim between logging and reforestation or as a permanent or semipermanent joint use.

(c) Class 3, to give primary consideration to the development of grazing or agriculture, in preference to timber production.

(3) The forester, on forestland classified pursuant to ORS 526.328 or 526.340, shall administer the forest laws of this state in accordance with the policy stated in this section as it applies to the land involved. [Amended by 1965 c.253 §41]