

----- LAWS -----

SMOKE MANAGEMENT

477.013 Smoke management plan; rules. (1) For the purpose of maintaining air quality, the State Forester and the Department of Environmental Quality shall approve a plan for the purpose of managing smoke in areas they shall designate. The plan shall delineate regulated areas to which this section applies. The plan shall also include but not be limited to considerations of weather, volume of material to be burned, distance of the burning from designated areas, burning techniques and provisions for cessation of further burning under adverse air quality conditions. All burning permitted within the regulated areas shall be according to the plan. The plan shall be developed by the State Forestry Department in cooperation with federal and state agencies, landowners and organizations that will be affected by the plan. The approved plan shall be filed with the Secretary of State and may thereafter be amended in the same manner as its formation.

(2) The State Forester shall promulgate rules to carry out the provisions of the smoke management plan approved under this section. [1997 c.274 §47; 2007 c.213 §1]

(Permits)

477.515 Permits required for fires on forestlands; waiver; permit conditions; cooperative agreements for permit administration; rules. (1) It is unlawful to set or cause to be set an open fire inside or within one-eighth of one mile of a forest protection district, either on one's own land or on the land of another, without first securing a written permit for burning from the forester and complying with the conditions of the permit. In granting permits for burning:

(a) The forester may waive the requirement that permits be secured prior to burning, except during a fire season or when required under rules adopted pursuant to subsection (4) of this section.

(b) The forester shall prescribe conditions necessary to be observed in setting a fire and preventing it from spreading out of control.

(c) The forester may prescribe conditions necessary to be observed in maintaining air quality.

(2) Any permit obtained through willful misrepresentation is void.

(3) To avoid confusion or duplication of administration and to promote government efficiency, the forester may enter into a cooperative agreement with a county, a city or a rural fire protection district that:

(a) Allows the forester to administer the requirements of this section, in conjunction with the enforcement authority of ORS 477.980 to 477.993, on lands not otherwise subject to the requirements of this chapter; or

(b) Allows the cooperating agency to administer the burning permit requirements of ORS chapter 476 or 478, as appropriate, including applicable enforcement authority, on lands otherwise subject to the requirements of this chapter.

(4) All burning allowed under this section shall comply with applicable rules that may be adopted by the State Board of Forestry and the Department of Environmental Quality.

(5) The provisions of this section do not apply to campfires. [1965 c.253 §95; 1969 c.204 §204; 1969 c.680 §1; 1971 c.297 §1; 1997 c.274 §12; 1999 c.355 §14]

477.520 Refusal, suspension or revocation of permits. The forester may refuse, suspend or revoke a permit authorized by or issued under ORS 477.515 (1), when necessary in the judgment of the forester to prevent danger to life, health, forest resources or property. The forester may also refuse, suspend or revoke a permit authorized by or issued under ORS 477.515 (1), when necessary in the judgment of the forester, and after consultation with the Environmental Quality Commission to prevent air pollution, as defined in ORS 468A.005. [1965 c.253 §96; 1969 c.680 §2; 1997 c.274 §13]

477.525 [1965 c.253 §97; repealed by 1967 c.429 §14 (477.526 enacted in lieu of 477.525)]

477.526 [1967 c.429 §15 (enacted in lieu of 477.525); repealed by 1969 c.204 §8]

477.530 [1965 c.253 §98; repealed by 1997 c.274 §55]

477.532 Regional air quality authority's functions limited. None of the functions of the Environmental Quality Commission under ORS 477.013, 477.515 and 477.520 shall be performed by any regional air quality authority established pursuant to ORS 468A.105. [1969 c.680 §5; 1997 c.274 §49]

(Smoke Management)

477.552 Policy. It is the policy of the State of Oregon:

(1) To improve the management of prescribed burning as a forest management and protection practice; and

(2) To minimize emissions from prescribed burning consistent with the air quality objectives of the federal Clean Air Act and the State of Oregon Clean Air Act Implementation Plan developed by the Department of Environmental Quality under ORS 468A.035. [1989 c.920 §2]

477.554 Program establishment; content. (1) With the advice and assistance of the advisory committee established under ORS 477.556, and subject to the review of the State Board of Forestry, the State Forester shall adopt and implement programs for meeting the objectives set forth in ORS 477.013 and 477.552 to 477.562. The programs shall include:

(a) Collection, analysis and distribution of information regarding prescribed burning and other alternative fuel management techniques;

(b) Assistance to landowners wanting to evaluate alternative burning and nonburning fuel management strategies and the collection of data regarding fuel conditions existing before and after treatment;

(c) Aerial monitoring of prescribed burning activity;

(d) Distribution of information to the Department of Environmental Quality on progress toward meeting federal and state air quality standards;

(e) Establishment of a system to track forest burning on a geographically specific basis; and

(f) Collection, analysis and distribution of information regarding emissions from wildfires for comparison with prescribed burning.

(2) The programs shall be administered by the State Forestry Department. [1989 c.920 §3; 1997 c.274 §50; 2007 c.213 §2]

477.556 Advisory committee; membership; terms; staff. (1) An advisory committee shall be created by the State Forester to advise and assist the State Forester in carrying out the programs required by ORS 477.013, 477.515 and 477.552 to 477.562. The advisory committee shall consist of five members as set forth in subsections (2) and (3) of this section.

(2) The following three members shall be appointed by the State Forester:

- (a) One member representing a nonindustrial forest landowner;
- (b) One member representing an industrial forest landowner; and
- (c) One member representing the public.

(3) In addition to the members designated in subsection (2) of this section, representatives of the following federal agencies shall be invited to serve as members of the advisory committee:

- (a) A representative of the United States Forest Service.
- (b) A representative of the United States Bureau of Land Management.

(4) Each member of the advisory committee shall serve for a term of two years.

(5) Members of the advisory committee are entitled to compensation as provided in ORS 292.495.

(6) A vacancy for any cause occurring before the expiration of a term shall be filled for the unexpired term by a person appointed by the State Forester.

(7) A staff member of the State Forestry Department shall be designated by the State Forester to serve as secretary for the committee. [1989 c.920 §4; 1997 c.274 §51]

477.558 Functions for advisory committee. The advisory committee created under ORS 477.556 shall:

(1) Advise the State Forestry Department in collecting information about prescribed burning operations; and

(2) Advise the State Forestry Department on the collection, analysis and distribution of information required under ORS 477.554. [1989 c.920 §5; 2007 c.213 §3]

477.560 Oregon Forest Smoke Management Account; moneys paid to account; use. (1) The Oregon Forest Smoke Management Account is established separate and distinct from the General Fund in the State Treasury.

(2) The following moneys shall be credited to the Oregon Forest Smoke Management Account:

(a) Nonrefundable registration fees received by the State Forestry Department for Class 1 forestland under ORS 526.324 to be burned west of the summit of the Cascade Mountains, not including Hood River County.

(b) Fees received by the State Forester for Class 1 forestland under ORS 526.324 treated by a prescription burn method under ORS 477.515 (1) west of the summit of the Cascade Mountains, not including Hood River County.

(c) Fees for federal forestland included within the regulated area under ORS 477.013 to be treated by any prescription burn method subject to the provisions of the State of Oregon Clean Air Act Implementation Plan and the federal Clean Air Act received by the State Forester.

(3) The moneys in the Oregon Forest Smoke Management Account are appropriated continuously for and shall be used by the State Forester exclusively for the administration of the smoke management program approved under ORS 477.013 and 477.554. [1989 c.920 §7; 1997 c.274 §52; 2007 c.213 §4]

477.562 Registration fee; rules. (1) The State Forestry Department shall collect a nonrefundable registration fee for Class 1 forestland under ORS 526.324 to be burned west of the summit of the Cascade Mountains, not including Hood River County.

(2) Any owner of Class 1 forestland under ORS 526.324 and any agency managing Class 1 forestland under ORS 526.324 lying within the regulated area as described in the plan required under ORS 477.013 shall register with the State Forester, in accordance with rules adopted by the State Forester, the number of acres to be burned prior to December 31 of the same year.

(3) The State Forester shall establish by rule the amount of fees to be collected under this section. The fees may not exceed:

(a) Fifty cents per acre for registration.

(b) \$5 per acre for forestland classified as Class 1 under ORS 526.324 that has been treated by any prescription burn method authorized by the issuance of a permit under ORS 477.515 (1).

(4) Federal lands included within the regulated area under the provision of the smoke management plan approved under ORS 477.013 shall also be subject to the fees authorized under subsection (3) of this section for forestland to be treated by any prescription burn method subject to the provisions of the State of Oregon Clean Air Act Implementation Plan and the federal Clean Air Act.

(5) The State Forester may establish a minimum fee per billing, combining the fees in subsections (1) and (3) of this section. The combined minimum fee may not exceed \$30.

(6) In order to efficiently collect fees established by this section, the State Forester is authorized to enter into contracts or agreements with a federal land management agency, a person or a public body as defined in ORS 174.109. Such a contract or agreement may provide for payment methods such as estimated annual payments with periodic adjustment to ensure the recovery of actual fees due, or semiannual or quarterly consolidated billings.

(7) Notwithstanding ORS 291.238, moneys collected under this section shall be deposited in the Oregon Forest Smoke Management Account established under ORS 477.560. [1989 c.920 §8; 1991 c.919 §15a; 1997 c.274 §53; 2007 c.213 §5]