

PROTECTION

DIVISION 41

ADMINISTRATION

629-041-0005

Definitions

(1) The definitions set forth in ORS 477.001 apply to OAR Chapter 629, Divisions 041 through 046, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR Chapter 629, Divisions 041 through 043, are defined as follows, unless the context otherwise requires:

(a) "All-terrain vehicle" means a Class I all-terrain vehicle, as defined in ORS 801.190.

(b) "Block" means a pulley or system of pulleys set in a casing which guides a moving line.

(c) "Budget" means the budgeted cost of the Forester for a forest protection district, which cost has been determined under the authority and procedures of ORS 477.205 to 477.281;

(d) "Close down requirements" means the machinery operation restrictions specified by the forester in the Industrial Fire Precaution Level (IFPL) system.

(e) "Good operating condition" means fully ready for intended use, maintained in accordance with any manufacturer's recommendations and, where appropriate, properly installed and free of leaks.

(f) "Fully turbo-charged" means all exhaust gases pass through a turbine wheel which is turning at all times and where there is no exhaust bypass to the atmosphere.

(g) "Heavy truck" means a truck which has a gross vehicle weight rating of 26,001 pounds or more.

(h) "Immediate use" means:

(A) In good operating condition;

(B) Requires the addition of no components, fuel, oil, parts or water to be made operational;
and

- (C) Maintained in a known location which is easily and rapidly accessible by the operator.
- (i) "Improved road" means a road maintained for the use of motor vehicles and that is sufficiently clear of flammable material to prevent the spread of wildfire to adjacent vegetation.
- (j) "Landing" means any designated place where logs are laid after being yarded, and are awaiting subsequent handling, loading and hauling.
- (k) "Light truck" means a truck which has a gross vehicle weight rating of 26,000 pounds or less.
- (l) "Mobile equipment" means any power driven machinery that moves about under its own power in an operation area, but not including motor vehicles or stationary equipment as defined below;
- (m) "Motor vehicle" means any vehicle that is self-propelled and which was built to transport persons or property primarily on improved roads, including buses, cars, recreational vehicles and trucks, except motorcycles and all-terrain vehicles;
- (n) "Motorcycle" has the same meaning as defined by ORS 801.365.
- (o) "Moving lines" means mainlines and haulback lines used in a cable logging operation.
- (p) "Muffler" means an exhaust system device in good operating condition which is designed to reduce noise emission and which contains an internal baffle system.
- (q) "Nationally recognized testing laboratory" has the same meaning as defined by OAR 437-002-0005 and 29 CFR 1910.7.
- (r) "Power driven machinery" means any machinery, powered by or containing an internal combustion engine, used to conduct an operation.
- (s) "Power saw" means a hand held saw powered by an internal combustion engine.
- (t) "Prior approval" means written approval of the forester given for a specific plan before the operation begins, with the exception that verbal permission may be granted followed by immediate written confirmation where timing is critical.
- (u) "Snag" means a tree which is dead but still standing, and that has lost its leaves or needles and its small limbs.

(v) "Spark arrester" means an exhaust system device which traps or pulverizes exhaust carbon particles to a size below 0.023 inches in diameter before they are expelled from an exhaust system. Mufflers are not spark arresters.

(w) "Stationary equipment" means any power driven machinery, except power saws, which ~~is~~ has, or will be, operated exclusively at one location in an operation area for a period of more than two days.

(x) "Truck" means a motor vehicle designed primarily for carrying loads other than passengers.

(y) "Written order" means a prior written approval or written requirement, from the forester, for a specified practice.

Stat. Auth.: ORS 526.016 & ORS 526.041

Stats. Implemented: ORS 477

Hist.: FB 17, f. & ef. 3-12-68; FB 18, f. & ef. 3-22-68; FB 7-1986, f. & ef. 9-25-86; DOF 9-1998, f. & cert. ef. 6-3-98

DIVISION 43

FIRE PREVENTION

[ED. NOTE: Previous rules OAR 629-043-0005 through 629-043-0150 were renumbered to Division 23 and 24 by FB 17.]

629-043-0005

Snag Felling

(1) Pursuant to ORS 477.565(1):

(a) Operators must fell all snags which, in the judgment of the forester, constitute a fire hazard, when directed by the forester in written order.

(b) The forester may only require the felling of snags which:

(A) Are necessary to prevent the spread of fire; and

(B) Are over 15 feet in height and within 100 feet distance of a landing.

(2) Pursuant to ORS 477.565(2):

(a) Operators must fell all snags which, in the judgment of the forester, constitute a fire hazard, when directed by the forester in written order.

(b) The forester may only require ~~only~~ the felling of snags which:

(A) Necessary to prevent the spread of fire on forestland west of the summit of the Cascade Mountains; and

(B) Over 15 feet in height and over 12 inches in diameter.

(3) The forester must:

(a) When determining whether snags constitute a fire hazard, give due consideration to:

(A) The topography of the operation area; ~~and~~

(B) The number and location of snags in and near the operation area; and

(C) The frequency of lightning in the operation area; ~~and~~

(b) When issuing written orders, specify if the felling of snags is to be completed before and/or concurrent with the operation of power driven machinery (other than power saws);

(4) The forester may, in written order, require additional snags in an operation area to be felled if, in the judgment of the forester, conditions so warrant.

Stat. Auth.: ORS 477.565

Stats. Implemented: ORS 477.565

Hist.: FB 17, f. & ef. 5-12-68; FB 8-1986, f. & ef. 9-25-86; DOF 9-1998, f. & cert. ef. 6-3-98

629-043-0015

Spark Arresters

(1) Pursuant to ORS 477.645, any persons operating an internal combustion engine during fire season, on, or within one-eighth of one mile of a forest protection district, must equip and maintain the engine with a spark arrester, which is;

(a) in good operating condition, and

(b) Listed in the most recent edition of a publication of the National Wildfire Coordinating Group and the U.S.D.A. Forest Service, entitled "Spark Arrester Guide".

(2) The following are exempt from the requirements of section (1) of this rule:

(a) Fully turbo-charged engines which are maintained in good operating condition;

(b) Engines in motor vehicles operating on improved roads which are equipped with a muffler and an exhaust system;

(c) Engines in light trucks which are equipped with a muffler and an exhaust system;

(d) Engines in heavy trucks which are equipped with a muffler and an exhaust system which:

(A) Extends at least to the end of the truck frame and discharges to the rear; or

(B) Extends above the cab of the truck and discharges upward or to the rear.

(e) Engines of 50 cubic inch displacement or less which are equipped with a muffler and an exhaust system;

(f) Water pumping equipment used exclusively for fighting fire.

(3) Engines in all-terrain vehicles and motorcycles are exempt from section (1) of this rule if equipped with:

(a) A muffler and an exhaust system; or

(b) A screen which completely encloses exhaust system openings and which is:

(A) Heat and corrosion resistant; and

(B) Which has no openings greater than .023 inch diameter.

(4) Power saws are exempt from this rule, but are separately regulated by OAR 629-043-0036.

(5) All exhaust systems, mufflers and screens referred to in this rule must be kept in good operating condition.

(6) The forester may, in written order, reduce or waive any requirement of this rule if, in the judgment of the forester, conditions so warrant.

NOTE: Use of any of the above mentioned equipment may be further regulated or prohibited during fire season through the application of industrial or regulated use closures (ORS 477.535 - .550)

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency or at https://www.fs.fed.us/t-d/programs/fire/spark_arrester_guides/]

Stat. Auth.: ORS 477.645

Stats. Implemented: ORS 477.645

Hist.: FB 17, f. & ef. 5-12-68; FB 28, f. 2-14-72, ef. 7-1-72; DOF 9-1998, f. & cert. ef. 6-3-98

629-043-0020

Water Supply and Equipment for Fire Suppression

(1) When operating stationary equipment during fire season inside or within one-eighth of one mile of a forest protection district, pursuant to ORS 477.650, operators must provide the following water supply and equipment at each location where stationary equipment is operated:

(a) Water supply:

(A) A self-propelled motor vehicle which is equipped with a water tank containing not less than 300 gallons of water; or

(B) A pond, stream, tank, or sump containing not less than 500 gallons of water.

(b) Water delivery equipment:

(A) Water pump: Size and capacity shall be such that the pump will discharge not less than 20 gallons per minute at a pressure of at least 115 pounds per square inch at pump level;

(B) Hose and nozzle: A nozzle, and enough serviceable hose of not less than 3/4 inch inside diameter, to reach from the water supply to any location in the operation area affected by power driven machinery, or 500 feet, whichever is greater.

(2) When mobile equipment is used in an operation area during fire season, inside or within one-eighth of one mile of a forest protection district, pursuant to ORS 477.625, (1)(a), the operator must provide a water supply which complies with at least the minimum capacity, pump, hose and nozzle requirements set forth in section (1) of this rule.

(3) "Operation area affected by power driven machinery" as used in this rule, means any part of the operation area where vegetation or flammable material might be ignited by exhaust, friction, or heated particles dropped or emitted from the power driven machinery or attached equipment, including, but not limited to any moving lines, drill or other attachments.

(4) Within an operation area, except as required by ORS 477.615 or 477.660, only one water supply will be required to comply with sections (1), (2) or both of this rule, so long as access and communications are such that the combination of water supply, pump and hose can timely deliver water to a fire start. Taking more than ten minutes from discovery of the fire to move a self-propelled water supply into position and/or begin to deploy hose and nozzle for an effective attack on a fire may indicate water delivery was not timely.

(5) All hose, motor vehicles, nozzles, pumps and tanks referred to in this rule shall be kept ready for immediate use.

(6) The water supply, pump, not less than 250 feet of hose, and the nozzle, as required by this rule, shall be maintained as a connected, operating unit and kept ready for immediate use.

(7) Nothing in this rule is intended to prohibit:

(a) An owner of forestland from requiring operators to provide additional water or equipment when operating on the owner's land or;

(b) An operator from using its water supply and equipment for initial attack on a nearby fire outside the operation area.

(8) When the operation only involves the use of self-loading log trucks on improved roads or landings cleared of flammable material, a water supply is not required.

(9) The forester, in written order, may reduce or waive any requirement of this rule if, in the judgement of the forester, conditions so warrant or to take advantage of alternate methods or equipment proposed by the operator which provide, in the judgment of the forester, equal or better suppression of fire.

Stat. Auth.: ORS 477.650

Stats. Implemented: ORS 477.650

Hist.: FB 17, f. & ef. 5-12-68; DOF 9-1998, f. & cert. ef. 6-3-98

629-043-0023

Additional Water Supply and Equipment

(1) Pursuant to ORS 477.615, operators must provide a self-propelled motor vehicle equipped with a water tank containing not less than 300 gallons of water and that complies with the capacity, pump, hose, nozzle and readiness requirements set forth in OAR 629-043-0020, when directed by the forester in written order.

(2) The forester may, in written order, reduce or waive any requirement of the order issued under this rule if, in the judgment of the forester, the conditions so warrant or to take advantage of alternate methods or equipment proposed by the operator which provide, in the judgment of the forester, equal or better suppression of fire.

Stat. Auth.: ORS 477.615

Stats. Implemented: ORS 477.615

Hist.: FB 17, f. & ef. 5-12-68; DOF 9-1998, f. & cert. ef. 6-3-98

629-043-0025

Fire Tools and Fire Extinguishers

Pursuant to ORS 477.655, during fire season inside or within one-eighth of one mile of a forest protection district, operators must comply with the following minimum fire tool and fire extinguisher requirements:

(1) During an operation in progress, provide at the operation area, or at a location approved by the forester, a tool box that contains a number of firefighting tools equal to or greater than the number of persons working on the operation.

(a) The tool boxes must be clearly identified as containing fire tools;

(b) The tools must only be used for fighting fire.

(c) The tools must include a mix of scraping tools (such as pulaski or hazel hoe), cutting tools (such as pulaski or axe) and shovels; appropriate for building a fire line and throwing dirt.

(2) Provide at each internal combustion engine, except power saws, one 2 A:10 BC or higher (5 pound) rated fire extinguisher, or a combination of fire extinguishers that provide equivalent protection approved by a nationally recognized testing laboratory.

(3) Provide on each truck:

(a) One 2 A:10 BC or higher (5 pound) rated fire extinguisher, or a combination of fire extinguishers that provide equivalent protection approved by a nationally recognized testing laboratory.

(b) One round pointed shovel which has a face not less than 8 inches wide and a handle not less than 26 inches long; and

(c) One pulaski or axe which has a handle not less than 26 inches long.

(4) Provide at each block, except those blocks located at a landing:

(a) One pump equipped can or bladder container containing not less than five gallons of water; and

(b) One round pointed shovel which has a face not less than 8 inches wide and a handle not less than 26 inches long.

(5) All bladders, cans containers, pumps, tool boxes, tools and fire extinguishers referred to in this rule must be kept ready for immediate use.

(6) Fire extinguishers required by this rule must be equipped with a reliable and easily read pressure gauge or device or method for measurement of the contents of the extinguisher.

(7) When an additional internal combustion engine is permanently attached to a truck or other piece of power driven machinery, one fire extinguisher for the combined engines, which complies with section (2) of this rule, is sufficient.

(8) The forester may modify, reduce or waive any requirement of this rule if, in the judgement of the forester, conditions so warrant or to take advantage of alternate methods or equipment proposed by the operator which, in the judgement of the forester, will provide equal or better suppression of fire.

Stat. Auth.: ORS 477.655

Stats. Implemented: ORS 477.655

Hist.: FB 17, f. & ef. 5-12-68; FB 4-1985(Temp), f. & ef. 6-17-85; FB 3-1986, f. & ef. 3-12-86; DOF 9-1998, f. & cert. ef. 6-3-98; DOF 2-1999, f. & cert. ef. 5-13-99

629-043-0026

Operation Area Fire Prevention

(1) Pursuant to ORS 477.625(1)(a), during a fire season, operators must comply with the following reasonable precautions that, in the judgement of the forester, are necessary to prevent the spread of fire on or from an operation area:

(a) When conducting a cable logging operation during fire season:

(A) Clear the ground of all flammable material (down to mineral soil) for not less than ten feet (radius) slope distance, from the point directly below any block.

(B) Do not permit moving lines to rub on rock or woody material in such a way to cause sparks or sufficient heat that may cause ignition of fire.

(b) Keep all power driven machinery free of excess flammable material which may create a risk of fire.

(c) When power driven machinery is left unattended, operators must disconnect main batteries from powered components (other than what may be necessary to retain computer memory) through a shut-off switch or other means or, if battery power is not disconnected, unattended power driven machinery must be left on ground cleared of flammable material.

(2) When conducting a operation during fire season which uses mobile equipment east of the summit of the Cascade Mountains and when directed by the forester in written order, comply with limitations on when mobile equipment may be used. The forester must base such limitations on the fire danger in the operation area, on the risk of fire beginning in the operation area, or due to a combination of any such conditions.

(3) When using fire to dispose of slashing at any time of year, develop a plan for prior approval which sets forth the personnel, equipment and procedures necessary to safely conduct the burning. The plan must be developed in such a manner as to give due consideration to prevention of fire escape and protection of life, forest resources, property and air quality.

(4) The forester may, in written order, reduce or waive any requirement of this rule if, in the judgement of the forester, conditions so warrant or to take advantage of alternate methods or equipment proposed by the operator which provide, in the judgement of the forester, equal or better prevention or suppression of fire.

Stat. Auth.: ORS 526.016 & ORS 526.041

Stats. Implemented: ORS 477.625

Hist.: FB 4-1985(Temp), f. & ef. 6-17-85; FB 3-1986, f. & ef. 3-12-86; DOF 9-1998, f. & cert. ef. 6-3-98

629-043-0030

Firewatch Service

(1) Pursuant to ORS 477.665, during fire season inside or within one-eighth of one mile of a forest protection district, operators must comply with the following fire watch requirements. A person performing Firewatch service must:

(a) Constantly observe the operation area during any breaks (up to three hours) in operation activity and for three hours after the power driven machinery used by the operator has been shut down for the day;

(b) Visually observe all portions of the operation area on which operation activity occurred during the preceding period of activity; and

(c) Be qualified in the use and operation of assigned firefighting equipment and tools; be physically capable of performing assigned fire suppression activities; and be advised of single employee assignment responsibilities (OAR 437-007-1315), when working alone.

(2) After a measurable amount of rain on the operation area, the forester may suspend the requirements of subsection (1) of this rule until such time as, in the judgement of the forester, conditions warrant reinstatement.

(3) The forester may reduce or waive any requirement of subsection (1)(a) or (b) of this rule in a written order if, in the judgement of the forester, conditions so warrant.

(4) Immediately following a period when the only operation activity has been the use of self-loading log trucks on improved roads or landings cleared of flammable material, Firewatch service is not required.

(5) Pursuant to ORS 477.625(1)(a) operators must comply with the following Firewatch service requirements:

(a) Each person providing Firewatch service on an operation area must have adequate facilities for transportation and communication to be able to summon firefighting assistance in a timely manner.

(b) Upon discovery of a fire, Firewatch personnel must:

(A) First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities and agree on a checking system; then

(B) After determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Stat. Auth.: ORS 477.665

Stats. Implemented: ORS 477.665

Hist.: FB 17, f. & ef. 5-12-68; FB 23, f. 6-5-70, ef. 6-25-70; DOF 9-1998, f. & cert. ef. 6-3-98; DOF 2-1999, f. & cert. ef. 5-13-99

629-043-0036

Power Saws

Pursuant to ORS 477.640, any persons operating a power saw during fire season inside or within one-eighth of one mile of a forest protection district must comply with the following fire prevention and suppression requirements:

(1) A power saw must be equipped and maintained with a spark arrester and other fire prevention equipment that is listed in the most recent edition of a publication of the National Wildfire Coordinating Group and the U.S.D.A Forest Service, entitled "Spark Arrester Guide Volume 2 – Multi-Position Small Engine". Power saws which have been modified from the configuration, as tested and listed in the Spark Arrester Guide, are prohibited from use during fire season.

(2) When using a power saw, the following minimum fire tools and fire suppressants must be immediately available for the prevention and suppression of fire:

(a) One gallon of water or pressurized container of fire suppressant of at least eight ounce capacity; and

(b) One round pointed shovel which has a face not less than 8 inches wide and a handle not less than 26 inches long.

(3) A power saw motor must be stopped during fueling and moved not less than 20 feet from the place of fueling before being started.

(4) All fire prevention equipment, such as fire suppressants, fire tools, screens, shovels, spark arresters and spark arresting devices referred to in this rule must be kept ready for immediate use.

(5) If in the judgement of the forester conditions so warrant, the forester may reduce or waive any requirement of this rule.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 477.640

Stats. Implemented: ORS 477.640

Hist.: FB 47, f. 9-15-76, ef. 7-1-77; FB 48(Temp), f. & ef. 6-29-77; FB 50, f. & ef. 9-1-77; DOF 9-1998, f. & cert. ef. 6-3-98; DOF 2-1999, f. & cert. ef. 5-13-99

629-043-0040

Permitted Burning

(1) Pursuant to ORS 477.515, holders of permits for burning must:

(a) Before burning, clear the area immediately around and above the burn site of material that may carry fire;

(b) When burning in a barrel or similar container, completely cover the container openings with a screen constructed of not less than 14-gauge wire and that has openings which are no larger than one-fourth inch in diameter;

(c) Not allow the uncontrolled spread of fire away from the permitted burn site;

(d) Not burn on a day when burning has been prohibited by the forester because of increased fire danger or because of air quality conditions;

(e) Not burn without complying with all conditions, hours and dates set forth on the permit; and

(f) Not burn without complying with the open burning prohibitions set forth in OAR 340-264-0050 to 340-264-0170.

(2) The requirements of this rule do not apply to prescribed burning conducted in compliance with ORS 477.013 and 477.552 to 477.562, OAR 629-043-0026(4) and 629-048-0001 to 629-048-0500.

(3) The forester may, in a written order, reduce or waive any requirement of this rule if:

(a) In the judgment of the forester, conditions so warrant; and

(b) The burning complies with the requirements of ORS 477.515, and any applicable portions of Chapter 468, Chapter 468A and OAR chapter 340 division 264.

Stat. Auth.: ORS 477.013, 526.016 & 526.041

Stats. Implemented: ORS 477.013 & 477.515

Hist.: FB 6, f. 5-9-60; FB 8-1986, f. & ef. 9-25-86; DOF 11-1998, f. & cert. ef. 8-13-98; DOF 4-2007, f. 12-31-07, cert. ef. 1-1-08