

Agenda Item No.:	G
Work Plan:	Fire Protection Work Plan
Topic:	Rulemaking
Presentation Title:	Legislative Session Outcome: Protection Division Rulemaking
Date of Presentation:	January 07, 2026
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SUMMARY

The purpose of this agenda item is to seek final approval from the Board of Forestry to adopt rules to repeal and modify rules as directed by 2025 legislation.

CONTEXT

The 2025 Legislature passed SB 83 and HB 3349, both amending and/or repealing Oregon Revised Statutes. The corresponding Oregon Administrative Rules must now be corrected to align with the new altered statutes.

BACKGROUND AND ANALYSIS

SB 83 repealed ORS 477.490 that established the Statewide wildfire hazard map and rules relating to it. OAR chapter 629, Division 44 is the set of rules that resulted from ORS 477.490 setting the guidelines for its implementation. With the passage of SB 83, ORS 477.490 has been fully repealed, negating the rules set forth in OAR Chapter 629, Div 44. Additionally, OAR chapter 629, Division 01 rules will be amended to remove references in procedural rules to the hazard map.

HB 3349 amended ORS 477.406 to include “mitigation” in the list of allowable activities in this statute alongside “prevention” and “suppression”. The context of this statute change is that mitigation activities are now included in cooperative contracts and agreements for forest protection. OAR chapter 629, Division 41-0100(1) and (6) must now be amended to match the referenced ORS. The word “mitigation” will be added to both (1) and (6) of this ruleset.

ALTERNATIVES CONSIDERED

- No alternatives considered

RECOMMENDATION

The Department recommends the Board of Forestry authorizes the Department to finalize the rulemaking processes to repeal and amend Oregon Administrative Rules as described.

NEXT STEPS

With BOF approval, the Department will complete the rulemaking process as described in ORS Division 183 and the Administrative Procedures Act to repeal and amend the OAR’s as described. Following the notice to the Secretary of State, a public comment period was held, as required in the APA. No comments were received.

ATTACHMENTS

1 attachment with draft rules.



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 629
DEPARTMENT OF FORESTRY

FILED
09/29/2025 11:53 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Repeal and amendment of rules relating to wildfire hazard map.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

2025 Legislative session, Senate Bill 83, repealed statutes relating to wildfire hazard designations. The included set of rules are being repealed and/or amended to reflect the statute changes. House Bill 3349 added "mitigation to activities allowed in addition to "prevention" and "suppression" that are already identified.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2025 Senate Bill 83, House Bill 3349

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is no anticipated affect on racial equity associated with these rule changes.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal and economic impact associated with these rule changes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no anticipated cost of compliance associated with these rule changes.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rule changes.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Repeal and amendment of rules based on the repeal and/or amendment of statutes in legislation.

RULES PROPOSED:

629-001-0015, 629-001-0020, 629-001-0045, 629-041-0100, 629-044-1000, 629-044-1005, 629-044-1011, 629-044-1016, 629-044-1021, 629-044-1026, 629-044-1031, 629-044-1036, 629-044-1041

AMEND: 629-001-0015

RULE SUMMARY: Wildfire hazard rules repeal. Repeal reference to hazard designation appeals.

CHANGES TO RULE:

629-001-0015

Rules of Procedure for Contested Cases; Applicability ¶¶

The rules of procedure in this Division, OAR 629-001-0010 to 629-001-0055, apply to all contested cases before the board and State Forester, unless otherwise provided by law, and are in addition to the procedural requirements of the Attorney General's Model Rules adopted in 629-001-0005. Contested cases covered by these rules include, but are not limited to the following:¶¶

- (1) Appeal of civil penalties assessed under ORS 527.687;¶¶
- (2) Appeal of "any finding or order" under ORS 527.610 through 527.770 and 527.992;¶¶
- (3) Hearings requested by persons adversely affected or aggrieved by an operation requiring a written plan under ORS 527.700(3) through (9);¶¶
- (4) Appeal of temporary orders to cease further activity under ORS 527.680(3) and 527.680(4);¶¶
- (5) Appeal of repair orders issued under ORS 527.680(2)(b) and 527.690(1);¶¶
- (6) Appeal of orders prohibiting new operations under ORS 527.680(5);¶¶
- (7) Review of State Forester's proposal to conduct repair work at state expense under ORS 527.690(2);¶¶
- (8) Appeals of decisions on land exchanges under OAR 629-033-0055; and¶¶
- ~~(9) Appeals of all property assignments on the wildfire hazard map, including high hazard zones as provided under ORS 477.490(7)(d).~~

Statutory/Other Authority: ORS 526.016(4), 527.687(3), 527.715

Statutes/Other Implemented: ORS 183.310 - 183.550

AMEND: 629-001-0020

RULE SUMMARY: Wildfire hazard rules repeal. Repeal reference to hazard designation hearings requests.

CHANGES TO RULE:

629-001-0020

Requesting Hearings ¶¶

- (1) All requests for hearing shall be made in writing, within the time period provided by statute or rule.¶¶
 - (2) All requests shall specifically state the issues to be addressed and the relief sought.¶¶
 - (3) Requests for hearing involving civil penalties shall comply with OAR 629-670-0310.¶¶
 - (4) Requests for hearing involving a finding or order of the State Forester issued under ORS 527.610 to 527.770 shall comply with OAR 629-672-0200.¶¶
 - (5) Requests for hearing by persons adversely affected or aggrieved by an operation approved under ORS 527.670(3) shall comply with OAR 629-672-0210.¶¶
 - (6) Requests for hearing involving land exchanges shall comply with OAR 629-033-0055.¶¶
 - ~~(7) Requests for hearing involving the wildfire hazard map shall comply with OAR 629-044-1041.~~
- Statutory/Other Authority: ORS 526.016(4), 527.687(3), 527.715
Statutes/Other Implemented: ORS 183.310 - 183.550

AMEND: 629-001-0045

RULE SUMMARY: Wildfire hazard rules repeal. Repeal reference to hazard final orders.

CHANGES TO RULE:

629-001-0045

Final Orders in Contested Cases ¶¶

(1) Following hearing, the administrative law judge will prepare the record and proposed order for filing with the board as expeditiously as possible. In the case of hearings related to orders of the State Forester pursuant to ORS 527.700, the record and proposed order shall be filed with the board within five working days of the close of hearing unless an extension has been agreed to by the parties and State Forester. Except as provided in section (2) of this rule, no less than a majority of the board shall then review and consider the proposed order and record, hold a meeting or telephone conference, and take final action as provided for in this rule.¶¶

(2) If upon a determination by the board chairperson, the board cannot complete a final order within applicable statutory time limits, the chairperson may delegate authority to issue a final order to the administrative law judge.¶¶

(3) After reviewing and considering the proposed order and record, the board may do any of the following:¶¶

(a) Schedule written or oral argument from the State Forester and any party that filed exceptions to the proposed order. The board chairperson shall determine whether oral argument, written argument, or both will be permitted after consulting with the board members.¶¶

(A) Oral argument shall be allowed only if the board determines it is necessary or appropriate to assist in the proper disposition of the case, and shall be:¶¶

(i) Limited to matters raised in written exceptions; and¶¶

(ii) Conducted under such time limits as the board chairperson determines are appropriate.¶¶

(B) The board chairperson shall notify the agency and parties of the form of argument, if any, to be allowed.¶¶

(b) Remand the matter to the administrative law judge for further hearing on such issues as the board specifies, and to prepare a revised proposed order as appropriate, under OAR 137-003-0655(2).¶¶

(c) Enter a final order adopting the recommendation of the administrative law judge.¶¶

(d) Enter an amended proposed order or final order that modifies or rejects the recommendation of the administrative law judge. If the board decides to modify or reject the proposed order, the board must comply with OAR 137-003-0655 and 137-003-0665.¶¶

~~(4) Final orders regarding the wildfire hazard map will be issued in accordance with OAR 629-044-1041.~~

Statutory/Other Authority: ORS 526.016(4), 527.687(3), 527.715

Statutes/Other Implemented: ORS 183.310 - 183.550

AMEND: 629-041-0100

RULE SUMMARY: Rule amended (1) and (6) to add "mitigation" to activities allowed.

CHANGES TO RULE:

629-041-0100

Procedures for Contracts, Agreements and Renewals ¶¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The State Forester may advertise to solicit bids or proposals for agreements or contracts with corporations, responsible organizations, responsible landowners or groups of landowners for the prevention, mitigation, and suppression of fire on forestland or on land other than forestland, or both. With the exception of judicial review procedures, the procedures specified in OAR chapter 137, divisions 046 and 047 (2008), including protest procedures, apply to solicitations for agreements or contracts with corporations, responsible organizations, responsible landowners, or groups of landowners for the prevention, mitigation, and suppression of fire on forestland or on land other than forestland, or both, but not to agreements or contracts with federal or state agencies, political subdivisions, or forest protective associations. Judicial review of a decision by the State Forester regarding a solicitation specified in this rule is governed by the Oregon Administrative Procedures Act, ORS Chapter 183. This section applies to solicitations issued on or after February 1, 2009. The amendments to this section shall become effective on September 21, 2009.

Statutory/Other Authority: ORS 526.016(4), 526.041

Statutes/Other Implemented: ORS 477.406

REPEAL: 629-044-1000

RULE SUMMARY: Wildfire Hazard rules repeal

CHANGES TO RULE:

~~629-044-1000~~

~~Purpose ¶¶~~

~~(1) The purpose of OAR 629-044-1000 to 629-044-1040 is to implement the provisions of ORS 477.027 and ORS 477.490.¶¶~~

~~(2) The purpose of OAR 629-044-1010 to 629-044-1015 is to establish criteria by which the wildland-urban interface shall be identified and classified pursuant to ORS 477.027.¶¶~~

~~(3) The purpose of OAR 629-044-1020 to 629-044-1026 is to set forth the criteria by which a statewide wildfire hazard map must be developed and maintained pursuant to ORS 477.490.¶¶~~

~~(4) The purpose of OAR 629-044-1030 is to set forth the process for notification to property owners pursuant to ORS 477.027.¶¶~~

~~(5) The purpose of OAR 629-044-1035 is to set forth the process of integrating public input into the statewide wildfire hazard map pursuant to ORS 477.490.¶¶~~

~~(6) The purpose of OAR 629-044-1040 is to set forth the process of how a property owner or local government may appeal the assignment of wildfire hazard pursuant to ORS 477.490.~~

~~Statutory/Other Authority: ORS 477.015 - 477.027, ORS 526.016, ORS 477.490~~

~~Statutes/Other Implemented: ORS 477.015 - 477.027, ORS 477.490~~

REPEAL: 629-044-1005

RULE SUMMARY: Wildfire hazard rules repeal. Definitions

CHANGES TO RULE:

~~629-044-1005~~

Definitions ¶¶

(1) The definitions set forth in ORS 477.001, shall apply.¶¶

(2) The following words and phrases, when used in OAR ~~629-044-1000 to 629-044-1040~~, shall mean the following:¶¶

(a) "Geographical area" means an area of land with similar characteristics that can be considered as a "unit" for the purposes of classification of the wildland-urban interface.¶¶

(b) "Intermingles with wildland or vegetative fuels" means a minimum of 50% coverage of wildland or vegetative fuels.¶¶

(c) "Meets with wildland or vegetative fuels" means located within a 1.5-mile buffer from the edge of an area greater than 2 square mile with a minimum of 75% cover of wildland or vegetative fuels.¶¶

(d) "Occluded geographical area" means an area with a minimum of one structure or other human development per 40 acres within 1.5 miles of an area greater than 1 square mile but less than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels.¶¶

(e) "Other human development" means essential facilities, special occupancy structures, or hazardous facilities as defined in ORS 455.447 that support community functions, public communication, energy, or transportation.¶¶

(f) "Structure" means any building that is at least 400 square feet.¶¶

(g) "Unincorporated community" has the meaning provided in OAR Chapter 660, Division 22.¶¶

(h) "Urban growth boundary" has the meaning provided in OAR Chapter 660, Division 15.¶¶

(i) "Vegetative fuels" means plants that constitute a wildfire hazard.¶¶

(j) "Wildland fuels" means natural vegetation that occurs in an area where development is essentially non-existent, including grasslands, brushlands, rangelands, woodlands, timberlands, or wilderness. Wildland fuels are a type of vegetative fuels.¶¶

(k) "Wildfire Hazard" is a numerical value describing the likelihood and intensity of a wildfire, based on specific factors or conditions of weather, climate, topography, and vegetation, as modeled for a given pixel.¶¶

(l) "Wildland-Urban-Interface" means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

Statutory/Other Authority: ORS 477.015 - 477.027, ORS 526.016, ORS 477.490, ORS 477.001

Statutes/Other Implemented: ORS 477.015 - 477.027, ORS 477.490

REPEAL: 629-044-1011

RULE SUMMARY: Wildfire Hazard rules repeal. Wildland Urban Interface Definition.

CHANGES TO RULE:

~~629-044-1011~~

~~Wildland-Urban-Interface-Identification-Criteria~~

~~(1) The Wildland-Urban-Interface is a geographic area comprised of tax lots, or portions of tax lots that includes an average density of one structure or other human development per 40 acres and either:~~

~~(a) meets with wildland or vegetative fuels; or~~

~~(b) intermingles with wildland or vegetative fuels; or~~

~~(c) is an occluded geographical area.~~

~~(2) The Wildland-Urban-Interface also includes:~~

~~(a) lands identified within an urban-growth boundary or unincorporated community boundary by local comprehensive plans that meet the criteria in (1)(a); or~~

~~(b) a planned development, within the urban-growth boundary or unincorporated communities, that is not identified in 1(a) but that is approved for development that meets the criteria in 1(a).~~

~~(3) If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development.~~

~~(4) Each tax lot in the State of Oregon shall be assigned a wildfire hazard zone in accordance with 629-044-1021.~~

~~Statutory/Other Authority: ORS 477.015-027, ORS 526.016, ORS 477.490~~

~~Statutes/Other Implemented: ORS 477.015-027~~

REPEAL: 629-044-1016

RULE SUMMARY: Wildfire hazard rules repeal.

CHANGES TO RULE:

~~629-044-1016~~

~~Periodic Wildland-Urban Interface Lands Identification and Classification~~

~~Tax lots wholly or partially identified as within the Wildland-Urban Interface shall be reviewed in conjunction with updates to the statewide wildfire hazard map in accordance with OAR 629-044-1026.~~

~~Statutory/Other Authority: ORS 477.015-477.027, ORS 526.016, ORS 477.490~~

~~Statutes/Other Implemented: ORS 477.015-477.027~~

REPEAL: 629-044-1021

RULE SUMMARY: Wildfire hazard rules repeal. Hazard zones definitions.

CHANGES TO RULE:

~~629-044-1021~~

~~Wildfire Hazard Rating~~

~~(1) Wildfire hazard zones are established as follows: ¶¶~~

~~(a) Low Wildfire Hazard. A hazard value less than 0.001911. ¶¶~~

~~(b) Moderate Wildfire Hazard. A value between 0.001911 to 0.137872. ¶¶~~

~~(c) High Wildfire Hazard. A value greater than 0.137872. ¶¶~~

~~(2) It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (1) of this rule may not always accurately reflect expected wildfire behavior, due to variations in local species and vegetation conditions. Therefore, consistent with peer reviewed methods, modifications may be made to the hazard rating to ensure accuracy. ¶¶~~

~~(3) Each wildfire hazard zone assignment shall be based on the average pixel-level wildfire hazard values within each tax lot. ¶¶~~

~~(4) Each wildfire hazard zone shall consist of a net value change range. The value ranges that correlate to a given wildfire hazard zone shall be determined using a statistically objective methodology.~~

~~Statutory/Other Authority: ORS 477.490, ORS 526.016~~

~~Statutes/Other Implemented: ORS 477.490~~

REPEAL: 629-044-1026

RULE SUMMARY: Wildfire hazard rules repeal. Hazard Map methodology.

CHANGES TO RULE:

~~629-044-1026~~

~~Wildfire Hazard Map~~

~~(1) Oregon State University shall develop and maintain the Statewide Wildfire Hazard Map in a publicly accessible format. The map shall be developed:~~

~~(a) using current, peer reviewed data sets when calculating wildfire hazard;~~

~~(b) calculating wildfire hazard as a combined hazard rating value incorporating annual burn probability and wildfire intensity;~~

~~(c) and utilize the most representative fuel characteristics practical;~~

~~(d) to include a layer that geospatially displays the locations of socially and economically vulnerable communities; and~~

~~(e) to include adjustments for irrigated agricultural, in locations identified as irrigated at least one of five years within the most recent IrrMapper dataset, prior to updates in accordance with Section 2 of this rule.~~

~~(2) Oregon State University shall update the map and other publicly available web-based tools shall be updated in consultation with the State Forester and other agency partners, within 12 months after updates to the most current wildfire hazard assessment data sets are available.~~

~~Statutory/Other Authority: ORS 526.016, ORS 477.490~~

~~Statutes/Other Implemented: ORS 477.490~~

REPEAL: 629-044-1031

RULE SUMMARY: Wildfire hazard rules repeal. Noticing rules.

CHANGES TO RULE:

~~629-044-1031~~

~~Notification~~

- ~~(1) The State Forester shall provide written notice to the owners of properties classified as high hazard zone within the Wildland-Urban Interface. ¶¶~~
- ~~(2) The written notice shall be sent to the property owner address included in the county assessor records. ¶¶~~
- ~~(3) The written notice shall include: ¶¶~~
 - ~~(a) the wildfire hazard zone assignment; ¶¶~~
 - ~~(b) where a map of the property can be found in the publicly accessible mapping portal; ¶¶~~
 - ~~(c) information regarding what the wildfire hazard assignment means for the property owner; ¶¶~~
 - ~~(d) information regarding available wildfire related resources and programs; and ¶¶~~
 - ~~(e) information about how a property owner may appeal the assignment of wildfire hazard zone. ¶¶~~
- ~~(4) Prior to the effective date of updates to the Statewide Wildfire Hazard Map, the Department shall hold regional public meetings. ¶¶~~
- ~~(5) The Department shall provide a notice of the times and places of all statewide and regional meetings, and the other ways by which comments may be submitted, using a variety of notice methods designed to reach diverse audiences, both statewide and within each region. ¶¶~~
- ~~(6) The Department, in consultation with Oregon State University, shall present anticipated changes to the Wildland-Urban Interface boundary and Wildfire Hazard Zone assignments at a county scale. ¶¶~~
- ~~(7) The meeting shall allocate time to receive input from any interested persons relating to the proposed wildfire hazard zone assignments. ¶¶~~
- ~~(8) The Department shall establish and publicize a place where electronic and written comment may be received. ¶¶~~
- ~~(9) Following the public meeting the Department, in consultation with Oregon State University, may make changes in the proposed wildfire hazard zone assignments, hold additional meetings, and thereafter shall make final wildfire hazard zone assignments.~~

~~Statutory/Other Authority: ORS 477.490, ORS 526.016~~

~~Statutes/Other Implemented: ORS 477.490~~

REPEAL: 629-044-1036

RULE SUMMARY: Wildfire hazard rules repeal. Wildfire plans.

CHANGES TO RULE:

~~629-044-1036~~

~~Locally Developed Wildfire Plans~~

~~(1) The following types of locally developed wildfire plans may be integrated into the wildfire hazard mapping portal if the local jurisdiction chooses.¶¶~~

~~(a) Community Wildfire Protection Plans developed under the Healthy Forests Restoration Act;¶¶~~

~~(b) Natural Hazard Mitigation Plans developed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;¶¶~~

~~(c) Firewise USA Action Plans developed under the Firewise USA Program administered by the National Fire Protection Association.¶¶~~

~~(2) Information in the types of locally developed wildfire plans identified in subsections (1)(a) thru (c) above, may complement, but does not supplant or supersede the Statewide Wildfire Hazard Map.~~

~~Statutory/Other Authority: ORS 477.490, ORS 526.016~~

~~Statutes/Other Implemented: ORS 477.490~~

REPEAL: 629-044-1041

RULE SUMMARY: Wildfire hazard rules repeal. Appeal process.

CHANGES TO RULE:

~~629-044-1041~~

~~Appeal of Wildfire Hazard Assignment~~

~~(1) Any affected property owner or local governments may appeal the assignment of properties to the wildfire hazard zones. All appeals of the assignment shall be referred for a contested case hearing in accordance with ORS Chapter 183, OAR 629-001-0003 to OAR 629-001-0055, and this rule. The Administrative Law Judge assigned the matter shall be authorized to issue a Proposed Order. The State Forester shall issue the Final Order. ¶¶~~

~~(2) The notification described under OAR 629-044-1031 shall serve as a Notice of Proposed Agency Action for property owners in the high hazard zone and also within the Wildland-Urban Interface. The posting of the hazard map on the Oregon Explorer Map Viewer website shall serve as the agency's Notice of Proposed Agency Action for all other property owners who have a right to appeal under ORS 477.490. ¶¶~~

~~(3) An affected property owner may appeal the assignment of a wildfire hazard zone to property by submitting a written hearing request to the Department. Such request must be made within 60 days of the following events, whichever is later: ¶¶~~

~~(a) The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or ¶¶~~

~~(b) The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the affected property owner. ¶¶~~

~~(4) A local government may appeal the assignment of a wildfire hazard zone by submitting a written hearing request to the Department. Such request must be made within 60 days of the following events, whichever is later: ¶¶~~

~~(a) The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or ¶¶~~

~~(b) The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the local government. ¶¶~~

~~(5) The written hearing request must specifically state: ¶¶~~

~~(a) the issues to be addressed; ¶¶~~

~~(b) The criteria of the hazard map being contested; and ¶¶~~

~~(c) the relief sought. ¶¶~~

~~(d) Additionally, the appeal must include the following contact information for referral: ¶¶~~

~~(A) Property owner name; ¶¶~~

~~(B) Mailing address; ¶¶~~

~~(C) Property address and tax lot number; and ¶¶~~

~~(D) Phone number. ¶¶~~

~~(6) This specific response is required based on the agency's determination that, due to the complexity of the program and category of cases involved, a more specific response is warranted. The requester may amend their response, except when doing so would be unduly prejudicial. Failure to raise an issue as provided in this rule shall constitute a waiver of the opportunity to raise the issue in a contested hearing. ¶¶~~

~~(7) Upon receipt of a written request for hearing under this section, the Department may contact the property owner or local government to seek additional information and attempt to informally resolve the appeal. ¶¶~~

~~(8) The Department shall provide information to the public describing changes to the map that result from appeals. The information shall be posted on the Department's public website. ¶¶~~

~~(9) The State Forester will issue a Final Order resolving appeals under this section, based on the record established through the contested case hearing. The Forester's Final Order is subject to appeal as prescribed by ORS 183.482.~~

~~Statutory/Other Authority: ORS 477.490, ORS 526.016~~

~~Statutes/Other Implemented: ORS 477.490~~