

Agenda Item No.:	E
Work Plan:	Fire Protection Work Plan
Topic:	On Going Topics
Presentation Title:	Central Oregon District Boundary Change
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SUMMARY

The purpose of this agenda item is to seek approval from the Board to finalize changes in the Central Oregon District boundary and to revise the administrative rule which describes the boundary of the Central Oregon Forest Protection District.

CONTEXT

The 1997 Legislature amended ORS 477.225 to require that boundaries of forest protection districts be described in administrative rule. In July 1998, the Board promulgated administrative rules which provided the framework into which individual district boundary descriptions were to be inserted. Since then, all forest protection district boundary descriptions have been inserted. In order to change a forest protection district boundary, the Board must amend the pertinent Oregon Administrative Rule through the rulemaking process.

BACKGROUND AND ANALYSIS

The proposed changes to the Central Oregon Forest Protection District boundary occur within the Prineville Unit, specifically in Jefferson county and Deschutes county. See draft OAR language in Attachment 1.

Currently, in Jefferson and northern Deschutes counties, there is a large “gap” between where the district boundary lies and where forestland classification and the subsequent forest patrol assessment exists (several miles to the west of the district boundary, referred to as the ‘Classification Line’). This “gap” is located just south of the Warm Springs Reservation in Jefferson County and extends south into Deschutes county, with the classification line terminating just north of the city of Bend. (See Attachment 2)

The lands east of the classification line and west of the district boundary have not been classified, are not being assessed, and as such are not being protected by the Oregon Department of Forestry. Many, but not all, of these lands are either under Federal ownership or within a Rural Fire District, in which ODF provides a mutual aid fire response. The “gap” between the district boundary and the classification line has been a source of confusion to jurisdictional agencies responding to fires in or near these areas for years. Many having thought that the private lands inside this “gap” are the jurisdictional responsibility of ODF.

By maintaining the location of the current district boundary in Jefferson and northern Deschutes counties, there would be a significant impact to private landowners and several Rural Fire Districts (RFDs) that are located within the “gap”. As we proceed through the forestland classification process, a large portion of the private acres would be equivalent to Class 3 grazing lands and would consequently be added to the forest patrol assessment rolls, with some being exempt agricultural land. Several RFDs would have negative impacts to their local budgets based on the dual jurisdiction limitations. In communicating with the RFDs, they are unanimously supportive of relocating the district boundary west to the current classification line, thereby not adding these lands to the forest patrol assessment rolls.

The effort to relocate the Central Oregon District boundary does not change how land is protected in the “gap” area. The district boundary that Central Oregon District is proposing is an effort to align the administrative description, in law, with what has been in practice for 25 plus years and will, by default, clean up confusion on our existing maps as we proceed with forestland classification. Minor changes are reflected to the proposed district boundary location, where the current classification line exists.

In addition, the current district boundary comes into the city of Bend from the north, running south, well interior of the city limits. When the boundary was originally established, it existed outside the city limits, west of Bend. Based on the growth, development and urbanization of the city of Bend, we would like to relocate the boundary west and south, essentially to the city limits of Bend. The area that would be removed from the district is adequately protected by Bend Fire Department, doesn't fit the scope of where ODF's jurisdiction should be and is supported by Bend Fire Department. (See Attachment 3)

Finally, the District proposes to relocate the boundary on the southeast side of Bend. By utilizing existing roads to define the boundary location, accounting for changes in the landscape over time and reducing confusion for jurisdictional agencies, the adjustment would better meet the needs for protecting the forestland in that area. This area is also protected by Deschutes Rural Fire District #2, who also supports the proposed boundary change. (See Attachment 4)

Most of the proposed district boundary relocation is along roads, instead of Township, Range, and Section boundaries, which provides clarity for dispatching and operational response to fires for ODF as well as cooperative fire agencies.

Prior to proposing the district boundary relocation, the District waited to see the outcome of the preliminary classification of lands in Deschutes County through the Forestland Classification Committee's recent work. The draft classification layer essentially validates the location of the classification line as an ideal location for the district boundary. ODF used soils data and other GIS mapping tools to project an estimated classification in Jefferson county, east of the classification line as well. Due to similar landscape circumstances in both counties, this proposal will help reduce the jurisdictional

questions, when responding to fire incidents, for both counties simultaneously. (See Attachment 5)

In summary, Central Oregon District proposes to realign the district boundary in Jefferson and Deschutes counties to eliminate the “gap” and to reflect where ODF should be providing wildland fire protection services, accounting for changes in the landscape over the past several decades. (See Attachment 6)

A Public Hearing was convened on March 23, 2018. Two individuals submitted testimony, both in favor of the boundary changes.

RECOMMENDATION

Based on the testimony at the Public Hearing, the Department recommends that the Board authorizes the Department to amend OAR 629-041-0515, the boundary description of the Central Oregon Forest Protection District Boundary.

NEXT STEPS

The Department will file an official final rule with the Oregon Secretary of State. This final rule will be effective July 1, 2018.

ATTACHMENTS

1. Proposed OAR 629-041-0515, Central Oregon Forest Protection District Boundary
2. (Map) Current Central Oregon District Boundary and Classification Line
3. (Map) West Bend Current vs Proposed District Boundary
4. (Map) Southeast Bend Current vs Proposed District Boundary
5. (Map) ODF Proposed District Boundary and Proposed FLC
6. (Map) ODF Proposed District Boundary
7. Hearing Officer’s Report