



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 629
DEPARTMENT OF FORESTRY

FILED

11/26/2025 11:22 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Repealing rules relating to the administration of the Oregon Forestland Protection Fund.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/01/2026 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.

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Filed By:
Ryan Miller
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/18/2025

TIME: 10:00 AM - 11:00 AM

OFFICER: Ryan Miller

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-503-446-4951

CONFERENCE ID: 291120051

NEED FOR THE RULE(S)

Repeal of rules prompted by statute changes made by House Bill 3940 in the 2025 Regular Session.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

House Bill 3940.

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

No new rules adopted in this notice. No effect on racial equity in this State anticipated.

FISCAL AND ECONOMIC IMPACT:

No fiscal or Economic Impact anticipated. Rule repeal only in this notice.

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).

No anticipated cost of compliance.

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

Rules repealed under the direction of the Emergency Fire Cost Committee. Small businesses interests may be represented by the committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

629-165-0000, 629-165-0010, 629-165-0100, 629-165-0200, 629-165-0210, 629-165-0300, 629-165-0305, 629-165-0310, 629-165-0315, 629-165-0320

REPEAL: 629-165-0000

RULE SUMMARY: Repeal rules to reflect changes made in HB3940.

CHANGES TO RULE:

~~629-165-0000~~

~~Definitions~~

The definitions set forth in ORS 477.001 are made a part of this division by this reference; and the following definitions also apply:

(1) "Administrator" means a staff member of the State Forestry Department designated by the State Forester to act as secretary of the committee and to carry out the provisions of ORS 477.440 to 477.460 in such manner as the committee shall direct.

(2) "Committee" means the Emergency Fire Cost Committee established pursuant to ORS 477.440.

(3) "District" means a forest protection district pursuant to ORS 477.225.

(4) "Emergency fire" means a statistical or threat fire.

(5) "Emergency fire suppression costs" means those fire suppression costs attributable to an emergency fire.

(6) "Fiscal year" means the period beginning July 1 of any year and ending June 30 of the next year.

(7) "Oregon Forest Land Protection Fund (OFLPF or the fund)" means that account established in the State Treasury as a trust fund for the purpose of equalizing emergency fire suppression costs and other listed purposes pursuant to ORS 477.750 to 477.775.

(8) Statistical Fire – A fire requiring suppression action by the Forester or cooperating agencies if it meets one of the following three conditions:

(a) The fire originates on paying forestlands within the forest protection district, including but not limited to:

(A) Fires occurring on Bureau of Land Management (BLM) lands identified in the ODF/BLM Western Oregon Operating Plan.

(B) Fires occurring on federal lands identified in a protection offset agreement for which the Forester has the suppression responsibility.

(b) The fire originates on land protected by another agency or in another protection district, and spreads into the reporting protection district.

(c) The fire originates on land outside of the protection district but the fire spreads towards forestland or is determined by the Forester to be a threat to paying forestland, and:

(A) The fire is not within the boundaries of another protection agency, or;

(B) The fire is within another protection agency boundary; however, suppression is clearly needed to prevent the spread of fire to paying forestland. (This does not include suppression action provided by agreement or pre-planned dispatch.)

(9) Threat Fire – A fire originating on land outside of a protection district but spreads towards forestland or is determined by the Forester to be a threat to paying forestland. Threat fires require a district written request to the OFLPF administrator explaining the circumstances requiring fire suppression action and an explanation of costs and why the incident should be considered eligible for Emergency Fire Cost reimbursement.

Statutory/Other Authority: ORS 321, 477, 477.770

Statutes/Other Implemented: ORS 183.335, 183.341, 477.440 – 477.460, 477.750 – 477.775

REPEAL: 629-165-0010

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0010~~

~~Additional Amount Not Considered Emergency Fire Suppression Costs ¶¶~~

~~(1) It is a policy of the committee that a district is expected to pay \$25,000 day/per fire if emergency fire costs exceed \$25,000 based on the following:¶¶~~

~~(a) If multiple fires occur on the same day within a district, only one additional amount of \$25,000 may be applied to the sum of the costs of all the fires that began on that day.¶¶~~

~~(b) If any individual fire or group of fires that began on the same day (or from the same lightning storm that continues into a second day, at the discretion of the committee) burns past midnight, or the suppression action continues for multiple days, only one additional amount of \$25,000 may be applied to the sum of the costs of those fires.¶¶~~

~~(c) If one fire or a group of fires begin on one day and suppression action continues for multiple days, and then a new fire or group of fires begin on a different day, an additional amount of \$25,000 may be applied to each day that new fires are ignited.¶¶~~

~~(2) The additional amount described in section (1) may be modified or waived by the committee if conditions so warrant. Conditions that may warrant modification or waiver include, but are not limited to:¶¶~~

~~(a) The unencumbered balance of the fund is determined to be in excess of the reserve base established in ORS 477.760.¶¶~~

~~(b) A district requesting waiver has over-expended the regular protection budget for the year in which the waiver request is made.¶¶~~

~~(3) If the additional amounts described in section (1) of this rule directly result in an increase in a district's annual budget greater than fifteen cents per acre on timberland or six cents on grazing land, the committee may waive that part in excess of these amounts. It is the committee's intent that the maximum effect of section (1) of this rule on a district budget will be limited to an additional fifteen cents per acre on timberland and six cents per acre on grazing land.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440–477.460, 477.750–477.775~~

REPEAL: 629-165-0100

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0100~~

~~Deductibles – Amount per Acre~~

~~Emergency fire suppression costs are subject to a deductible amount based on protected acres in the district. The committee shall establish the deductible amount for each district on or before January 15 of each year. The deductible amount shall be an amount for each acre covered by the timber budget and an amount for each acre covered by the grazing budget established under ORS 477.230, but may not exceed the limit established under 477.770.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440 – 477.460, 477.750 – 477.775~~

REPEAL: 629-165-0200

RULE SUMMARY: Repeal of rule resulting from changes made in HB 3940

CHANGES TO RULE:

~~629-165-0200~~

~~Fund Balances – Unencumbered Balance~~

~~(1) ORS 477.760(1) requires the committee, on or about the last day of February of each year, to meet and determine the unencumbered balance of the fund as of February 16 of the same year.¶¶~~

~~(2) The meeting to determine the unencumbered balance will normally occur at the regularly scheduled meeting of the committee prior to the Board of Forestry meeting in early March.¶¶~~

~~(3) The unencumbered balance of the fund shall be calculated as the actual cash balance in the state treasury on February 16; less the best available estimate of eligible suppression cost claims for fires occurring before February 16, but not yet paid; less estimated administrative expenses through February 16, but not yet paid; less any other anticipated payments known to the committee at that time due for expenses committed prior to February 16, but not yet paid.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440 – 477.460, 477.750 – 477.775~~

REPEAL: 629-165-0210

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0210~~

~~Transfer of Funds from State Treasurer-~~

~~(1) Pursuant to ORS 477.760 (2), the committee is authorized to request a transfer of funds from the State Treasurer to the OFLPF at any time and in any amount that does not cause the fund to exceed the reserve base specified in ORS 477.760 (1).¶¶~~

~~(2) To minimize the effect of repayment of transfers on the landowner community, it is the committee's intent that the amount of transfer requested should be limited to an amount by which known and anticipated claims will exceed the sum of the cash balance in the fund and the anticipated revenues for the remainder of the fiscal year.¶¶~~

~~(3) If the monies in the OFLPF are inadequate to ensure repayment of the transfer and the interest thereon, the State Forester must increase the assessments, surcharge and harvest tax in equal proportions for the ensuing fiscal and calendar years, respectively, adequate to make repayment of the transfer:¶¶~~

~~(a) The increase in assessments in the next fiscal year will apply to:¶¶~~

~~(A) The surcharge on improved lots referred to in ORS 477.277;¶¶~~

~~(B) The OFLPF portion of the minimum assessment referred to in ORS 477.295; and¶¶~~

~~(C) The acreage assessments referred to in ORS 477.880.¶¶~~

~~(b) The increase in taxes in the next calendar year will apply to the forest products harvest tax referred to in ORS 321.015(2).¶¶~~

~~(4) Negotiations for and approval of any transfer should be completed as soon as practicable after February 16 of any year that a transfer is necessary, to allow the State Forester sufficient time to meet the requirements of ORS 477.760, requiring increases to assessment, surcharge and harvest tax rates for the ensuing fiscal and calendar years, respectively.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440 - 477.460, 477.750 - 477.775~~

REPEAL: 629-165-0300

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0300~~

~~Claims Processes – Evidence of Necessity~~

~~When payment is claimed from the fund for emergency fire suppression costs incurred on a fire where an owner, operator or other person has an obligation to pay those costs pursuant to ORS 477.068, 477.085 or 477.120, the district warden must provide evidence to the administrator supporting the necessity of advancing payment, pending ultimate resolution. Evidence which may be acceptable to the administrator must include, but is not limited to:¶~~

~~(1) A statement signed by the district warden stating the entity responsible for fire suppression costs has refused to accept responsibility or is unable to pay fire costs;¶~~

~~(2) A notification to the administrator that fire cost recovery proceedings have been initiated against an owner, operator or other person that has an obligation to pay fire suppression costs;¶~~

~~(3) A statement from an authorized State Forester's staff member or by an assistant attorney general that fire suppression costs are deemed uncollectible. This statement must include the reason for the decision; or¶~~

~~(4) A statement by a district warden that recovery of fire costs appears to be assured, but delays in the recovery process will make it necessary to support the district's financial resources until costs can be processed, the responsible party is billed and payment is received.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440 – 477.460, 477.750 – 477.775~~

REPEAL: 629-165-0305

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0305~~

~~Qualifications for Payment ¶¶~~

~~(1) The administrator must pay only those emergency fire suppression costs as described in this rule, incurred by a district during the fiscal year, if the district has first expended for similar or other emergency fire suppression costs the deductible amount described in OAR 629-165-0100.¶¶~~

~~(2) When a fire originates in one fiscal year and continues burning in a subsequent fiscal year, all emergency fire suppression costs for that fire shall be included in the expenditures for the year in which the fire started.¶¶~~

~~(3) Emergency fire suppression costs eligible for payment by the OFLPP include, but are not limited to labor, services, transportation, supplies, reconditioning and rental equipment, and expenses incurred for the recovery of fire suppression costs.¶¶~~

~~(4) Emergency fire suppression costs, where applicable, are based on the wage rates and equipment rental rates approved by the State Forester.¶¶~~

~~(5) Notwithstanding section (3) of this rule, the committee may further limit qualifying emergency fire suppression costs through approved policy.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440 - 477.460, 477.750 - 477.775~~

REPEAL: 629-165-0310

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0310~~

~~Payments for Fire Suppression Costs~~

- ~~(1) The administrator must pay to any district an amount from the fund equal to the emergency fire suppression costs such district has qualified for under OAR 629-165-305. The payment shall be 100 percent of the itemized certified costs unless otherwise determined by the committee.¶¶~~
- ~~(2) In the event the administrator makes a payment under section (1) of this rule that is less than 100 percent of the itemized and certified emergency fire suppression costs, final payment must not be made until all emergency fire suppression cost claims against the fund have been submitted for the subject fiscal year.¶¶~~
- ~~(3) Each payment under section (1) of this rule is a conditional payment until:¶¶~~
- ~~(a) All emergency fire suppression cost claims against the fund have been submitted for the subject fiscal year;¶¶~~
- ~~(b) The administrator has audited the claims; and¶¶~~
- ~~(c) The committee has approved the audited claims.¶¶~~
- ~~(4) The district must reimburse the fund for any conditional payments that are disapproved by the committee.¶¶~~
- ~~(5) In addition to sections (1) to (3) of this rule, any payment made by the administrator to a claimant, shall be conditioned on proceedings being brought to recover fire suppression costs from parties liable thereto under ORS Chapter 477 or other law.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440–477.460, 477.750–477.775~~

REPEAL: 629-165-0315

RULE SUMMARY: Repeal of rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0315~~

~~Collection – Approval~~

~~If a district warden or other representative of the State Forester initiates collection of fire suppression costs from a responsible party under ORS 477.068 477.085 or 477.120, prior to acceptance of any payment for such suppression costs, the district warden or forester must first secure the approval of the administrator, if:~~

~~(1) Such fire suppression costs include moneys which have been advanced by the administrator to a district from the fund;~~

~~(2) Such settlement will affect the amount otherwise payable from the fund to a district; or~~

~~(3) Such settlement will affect the amount otherwise reimbursable by a district to the fund.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440–477.460, 477.750–477.775~~

REPEAL: 629-165-0320

RULE SUMMARY: Repeal rules no longer relevant as a result of changes made in HB 3940.

CHANGES TO RULE:

~~629-165-0320~~

~~Reimbursement to Account~~

~~Whenever a district or the forester receives payment pursuant to ORS 477.068, 477.085 or 477.120, the district shall retain an amount equal to the emergency fire suppression costs not paid by the administrator from the OFLPF, but eligible for payment, and reimburse the fund with the remainder, if any. Any such reimbursement shall in no event exceed the amount paid by the respondent.~~

~~Statutory/Other Authority: ORS 321, 477, 477.770~~

~~Statutes/Other Implemented: ORS 183.335, 183.341, 477.440-477.460, 477.750-477.775~~