

STAFF REPORT

Agenda Item No.:	5
Work Plan:	Fire Protection
Topic:	Advancing Wildfire Prevention
Presentation Title:	Updates and Recommendations Regarding the Advancement of Wildfire Prevention
Date of Presentation:	June 6, 2024
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SUMMARY

Department staff will provide a presentation of the current wildfire prevention laws and responsibilities, wildfire cause statistics, and recommendations for administrative rule updates. This is a decision item.

BACKGROUND

The Protection Division is tasked with implementing the policy defined in ORS 47.005(1), “The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon.” This is completed through the appointments of District Fire Wardens, appointed by the State Forester, and additional fire wardens as needed, appointed by the District Fire Wardens.

477.365(1) Describes the duties and powers of wardens, of which is (a) “Take proper steps for the prevention and extinguishment of fires within the locations in which they exercise their functions.”

ORS 526.041 states, “the forester, under the general supervision of the State Board of Forestry, shall: (5) Take action authorized by law to prevent and extinguish forest, brush, and grass fires.”

OAR 629-047-0020 is the General Enforcement Policy for the Department and is described as, “The policy of the Oregon Department of Forestry to gain compliance with the fire prevention requirements of ORS Chapter 477 first through education and cooperation, and second through enforcement. Authorized fire wardens are to educate forest users on the need for the fire prevention requirements and to cooperate with the users in formulating solutions to compliance problems within the realm of these requirements.”

The Department’s measurement of success for the prevention of human caused wildfires is through key performance measure #12, which is the number of Oregon residents per human-caused wildfires. This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases.

CONTEXT

Human activities continue to be the leading cause of wildfires in Oregon, on average, accounting for over 70% of wildfire ignitions on ODF protected lands. The top three human activities that cause fires are debris burning, equipment use/vehicles, and campfires. Debris burning is regulated through its own statute and requires a burn permit during fire season, but a permit may be required at any time of year if conditions warrant. Many other human activities are regulated under ORS 477.535, which vary in each forest protection district depending on the fire danger conditions at any given time.

Forest operations account for less than 5% of all human-caused fires and are regulated through separate wildfire protection statutes and associated administrative rules.

To meet the statutory requirements and the key performance measures, the Department focuses on public engagement activities for educating the public such as city and county events, fairs, the Smokey Bear Prevention program for elementary students, the Firewise USA program, social and traditional outlets, media, and collaborating with other partners such as Keep Oregon Green and the Department of the State Fire Marshall.

ANALYSIS

Public Restrictions

Debris burning continues to be the leading cause of human-caused wildfires each year in Oregon. Continued education and cooperation have been the primary tools to gain compliance and unfortunately, we continue to get the same outcome.

ODF is leading the way through the development of a statewide Smart APP and website that aims to reduce public confusion on outdoor debris burning, training, and allowability, with the intent to ultimately reduce the number of fires that result from debris burning.

Along with the increase in education and information efforts, the proposed rule modifications strengthening our enforcement rules will allow for better tracking of existing violators. Burning without a permit will result in an automatic fire prevention citation, along with all violations that occur during extreme fire danger.

The current definition of an “Authorized Fire Warden” limits the Department’s ability to fully perform wildfire investigation duties under the duties and powers of a fire warden, in certain instances. Most of the Department’s investigations are completed by our Class A and Class B Fire Wardens. These individuals are primarily Forest Officers and Stewardship Foresters who are also tasked with fire suppression, fire prevention, enforcement, and performing industrial fire inspections. By expanding the definition, it will allow additional trained staff, not classified as a Class A or B Fire Warden, to serve solely as Wildfire Investigators if they are willing and able to do so. This definition change would immediately result in an increase of wildfire investigation capacity within the Department, expediting the completing of open incidents.

The Department’s current basic enforcement policy only requires the tracking of violations that occur in each district and for 36 months. Therefore, an individual can be in violation of the same offense in different forest protection districts several times within a 36-month period, before ever receiving a fire prevention citation, unless offending within the same district twice over that period. In addition, the current rule language restricts a fire prevention citation to be issued if an individual is in violation of the SAME violation of ORS 477. This limits the ability to determine

if someone is a frequent violator in multiple Districts and limits the ability to gather data on the demographics of violators, which hinders the ability to determine corrective prevention messaging. It is recommended to include the addition of requiring an automatic fire prevention citation during times of violations that occur during extreme fire danger, which can limit the threat of wildfires during critical periods of heightened wildfire danger.

Currently, for a fire prevention citation to be issued for burning without a permit, there must be a need for suppression assistance from a fire agency and/or escape and cross a property line (unless it is not the first offense, which results to an automatic fire prevention citation). If one of these does not occur, then a fire prevention warning is issued. By removing these limitations, it will strengthen the Department's enforcement ability and encourage the public to check before they burn. It is recommended to remove these limitations.

Industrial Restrictions

ODF maintains a standing Industrial Fire Prevention Rules Review Committee, comprised of landowners, operators, affiliated organizations and ODF protection and field staff. This committee made recommendations for administrative rule updates in 2017. The committee continues to review industrial fire prevention rules annually, if not more often, to ensure rules are clear and meet the statutory effect.

Part of the 2017 administrative rule review provided additional clarification on water delivery to a fire start. The resulting change requiring water to be delivered within 10-minutes, however it did not consider eastern Oregon landscapes and the challenges of meeting the intent of the rule. The recommended additional language requiring the "combination of water supply, pump and hose or equipment capable of constructing fireline to effectively attack a fire start" will resolve the issue.

Current rule language requires a 3-hour fire watch to occur after power-driven machinery has shut down for the day on an industrial operation, unless waived or reduced in a written order if conditions warrant. As shown in attachment (7), between the years of 2013 to 2022 a total of 152 fires occurred when a fire watch was required. 85% of these fires were discovered within the first 60 minutes of ignition time, 3% were discovered between 1-2 hours after ignition time, 5% were discovered between 2-3 hours after ignition time, with the remaining 7% were discovered after 3 hours of ignition time. The data supports the fact that most fires that are a result of an operation occur either while the operation is active or within the first 60 minutes of the conclusion of operational activity for the day. The proposed changes still give the landowner the ability to require additional fire watch hours but limit the forester to only requiring up to two hours of fire watch. The additional proposed changes remove duplication in rule for the forester to have the ability to reduce or waive any requirement with a written order.

State Forests

The current rule language only restricts the use of fireworks and similar items within designated recreation areas and during a regulated use closure. The use of fireworks and other devices that have the potential to ignite wildfires continue to pose a threat throughout all of Oregon State Forests and not only during a regulated use closure or during fire season.

The recommended rule changes will strengthen the restrictions of the use of fireworks and similar items and will help prevent human caused fires in Oregon State Forests and reduce the threat of harming other visitors or forest resources.

RECOMMENDATION

The Department recommends that the Board direct the State Forester to begin the rulemaking process to amend Oregon Administrative Rule's; 629-043-0020, 629-043-0030, 629-047-0010, 629-047-0040, 629-047-0100, 629-025-0040, and 629-025-0050 as written in attachments (2), (4), and (6).

NEXT STEPS

- Pending the Board of Forestry's recommendation, the Department will schedule and hold public hearings.
- Following public input, the Department will return to the Board requesting promulgation of the rules.

TIMELINE

June 6, 2024 – Department presents proposed rules to Board to seek permission to conduct public hearings.

June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State.

July 2024 – Department conducts public hearings.

September 5, 2024 – Department submits final rule draft with public comments to the Board for final considerations and approval.

September 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing.

January 1, 2025 – Rules effective.

ATTACHMENTS

- (1) Oregon Administrative Rule Division 43-Prevention modifications – track changes
- (2) Oregon Administrative Rule Division 43- Prevention modifications
- (3) Oregon Administrative Rule Division 47- Enforcement modifications – track changes
- (4) Oregon Administrative Rule Division 47- Enforcement modification
- (5) Oregon Administrative Rule Division 25- Forest Park and Recreation Areas modifications – track changes
- (6) Oregon Administrative Rule Division 25- Forest Park and Recreation Areas modifications
- (7) Fire Watch Data

Division 43
FIRE PREVENTION

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 or equipment of constructing fire line, can timely and effectively attack ~~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~~ to effectively attack ~~on~~ a fire start may ~~indicate water delivery was not~~ be considered 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 judgment 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.

629-043-0030

Fire Watch 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 fire watch service must:

(a) Constantly observe the operation area during any breaks ~~(up to three hours)~~ in operation activity and for ~~three hours~~ a period of time designated by the forester, through a written order, not to exceed 2 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 judgment of the forester, conditions warrant reinstatement.~~

~~(23)~~ The forester may reduce or waive any requirement of subsection (1)(a) or (b) of this rule in a written order if, in the judgment of the forester, conditions so warrant.

~~(34)~~ 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, fire watch service is not required.

~~(45)~~ Pursuant to ORS 477.625(1)(a) operators must comply with the following fire watch service requirements:

(a) Each person providing fire watch 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, fire watch 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.

[Division 43](#)
[FIRE PREVENTION](#)

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 or equipment capable of constructing fire line, can timely and effectively attack a fire start. Taking more than ten minutes to effectively attack a fire start may not be considered 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 judgment 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.

629-043-0030

Fire Watch 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 fire watch service must:
 - (a) Constantly observe the operation area during any breaks in operation activity and for a period of time designated by the forester, through a written order, not to exceed 2 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) The forester may reduce or waive any requirement of subsection (1)(a) or (b) of this rule in a written order if, in the judgment of the forester, conditions so warrant.
- (3) 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, fire watch service is not required.
- (4) Pursuant to ORS 477.625(1)(a) operators must comply with the following fire watch service requirements:
 - (a) Each person providing fire watch 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, fire watch 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.

[Division 47](#)
[ENFORCEMENT POLICY](#)

629-047-0010

Definitions

(1) The definitions set forth in ORS 477.001 shall apply to OAR 629, division 047, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR 629, division 047, shall mean the following unless the context otherwise requires:

(a) "Authorized Fire Warden" means a person who has been designated, a Fire Warden — Class A, ~~or a Fire Warden — Class B,~~ [or a Fire Warden – Wildfire Investigator](#) by the forester, ~~after June 9, 1994.~~

(b) "Bona fide effort" means a good faith attempt to control or extinguish a fire, considering the communication facilities available, the tools available, the water available and the mental and physical condition of the person.

(c) "District Forester" means the person in charge of a district, including Oregon Department of Forestry district foresters and forest protection association district managers and district supervisors.

(d) "Fire Prevention Citation" means a uniform citation issued pursuant to ORS 477.980 to 477.993 and administrative rules adopted thereunder. Receipt of a Fire Prevention Citation subjects the violator to a fine.

(e) "Fire prevention requirements of ORS Chapter 477" means any of the permit and fire prevention requirements of:

(A) ORS 477.510, 477.515, 477.535, 477.540, 477.545, 477.550, 477.565, 477.615, 477.625, 477.635, 477.640, 477.645, 477.650, 477.655, 477.660, 477.665, 477.670, 477.695, 477.710, 477.720, 477.740; and

(B) Administrative rules adopted pursuant to the statutes listed in subsection (a) of this section; and

(C) Written orders of the forester issued pursuant to the statutes and administrative rules described in subsections (A) and (B) of this section.

(f) "Fire Prevention Warning" means written notice issued to a violator pursuant to OAR 629, division 047. Receipt of a Fire Prevention Warning requires the violator to pay no fine.

(g) "Fire service agency" means fire suppression resources of, or contracted by, the Oregon Department of Forestry, a forest protective association, the U.S. Department of Interior, the U.S. Department of Agriculture, a rangeland fire protection association, a rural fire protection district, a city fire department or a private fire department.

(h) "Serious violation" means a violation that results in a fire which proximately causes human injury, loss of human life, or causes property damage of \$10,000 or more.

(i) "Violation" means the circumstance which exists any time a violator fails to comply with the fire prevention requirements of ORS Chapter 477.

(j) "Violator" means the corporation, operator or person subject to ORS Chapter 477 which is responsible for a violation of the fire prevention requirements of ORS Chapter 477.

(k) "Written order" means a written requirement, from the forester, for a specified practice.

629-047-0040

Basic Enforcement Action

(1) When a violation is determined to exist, an authorized fire warden shall:

(a) Issue either a Fire Prevention Citation or a Fire Prevention Warning to the violator in accordance with ORS Chapter 477 and OAR 629-047-0040 to 629-047-0280.

(A) A Fire Prevention Citation shall be issued if:

(i) A violator has been issued a Fire Prevention Citation or a Fire Prevention Warning for ~~the same violation~~ any violation of ORS 477, in ~~the same~~ any district, in the previous ~~36-60~~ months; or

(ii) The enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Citation; ~~;~~ or

(iii) Under periods of extreme fire danger.

(B) A Fire Prevention Warning shall be issued if the enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Warning.

(b) Not allow continuance of any portion of an operation exposed to an increased risk of fire due to a violation and existing or predicted weather conditions, until such time as compliance is restored by:

(A) Ordering, in writing, that portion of the operation stopped; and

(B) Suspending, in writing, for that portion of the operation, the permit issued under ORS 477.625.
Examples:

(i) When the spark arrester on a dozer is found to be in violation of a requirement of ORS 477.645, the operator shall be ordered to cease operation of the dozer and that portion of the permit issued under 477.625 pertaining to the dozer shall be suspended until the spark arrester is in compliance.

(ii) When fire tools required by ORS 477.655 are found to be inadequate, the operator shall be ordered to cease all activity on the operation and the permit issued under 477.625 shall be suspended until the fire tools are in compliance.

(2) Timber sale contract provisions and other similar instruments shall not be used as enforcement measures in lieu of the issuance of a Fire Prevention Citation or of a Fire Prevention Warning.

(3) Notwithstanding the requirements of section (1) of this rule, a district forester may, on a case by case basis, allow an exception to these enforcement policies when circumstances warrant:

(a) In determining if circumstances warrant an exception to these enforcement policies, the district forester shall consider the following factors:

(A) A violator's prior violation of the same or similar fire prevention requirements of ORS Chapter 477; and

(B) The gravity and magnitude of the violation; and

(C) Whether the violation is repeated or continuous; and

(D) Whether the cause of the violation was an unavoidable accident or a willful, malicious or negligent act; and

(E) Whether the violation constitutes a serious violation.

(b) Exceptions to these enforcement policies are intended to be few in number and shall be approved in writing by the district forester on forms provided by the State Forester for that purpose.

629-047-0100

Enforcement Policy for ORS 477.515, OAR 629-043-0041 and 629-043-0043 — Burning Permits

~~A Fire Prevention Citation shall be issued for all violations. (1) The basic enforcement action set forth in OAR 629-047-0040 shall apply to all violations.~~

~~(2) Notwithstanding the requirements of section (1) of this rule, if the violation results in a fire, the following shall apply:~~

~~(a) If the fire does not cross a property line and if suppression assistance from a fire service agency is not required, the basic enforcement action set forth in OAR 629-047-0040 shall apply.~~

~~(b) If the fire crosses a property line or if suppression assistance from a fire service agency is required, a Fire Prevention Citation shall be issued for all violations.~~

[Division 47](#)
[ENFORCEMENT POLICY](#)

629-047-0010

Definitions

(1) The definitions set forth in ORS 477.001 shall apply to OAR 629, division 047, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR 629, division 047, shall mean the following unless the context otherwise requires:

(a) “Authorized Fire Warden” means a person who has been designated, a Fire Warden — Class A, Fire Warden — Class B, or a Fire Warden – Wildfire Investigator by the forester.

(b) “Bona fide effort” means a good faith attempt to control or extinguish a fire, considering the communication facilities available, the tools available, the water available and the mental and physical condition of the person.

(c) “District Forester” means the person in charge of a district, including Oregon Department of Forestry district foresters and forest protection association district managers and district supervisors.

(d) “Fire Prevention Citation” means a uniform citation issued pursuant to ORS 477.980 to 477.993 and administrative rules adopted thereunder. Receipt of a Fire Prevention Citation subjects the violator to a fine.

(e) “Fire prevention requirements of ORS Chapter 477” means any of the permit and fire prevention requirements of:

(A) ORS 477.510, 477.515, 477.535, 477.540, 477.545, 477.550, 477.565, 477.615, 477.625, 477.635, 477.640, 477.645, 477.650, 477.655, 477.660, 477.665, 477.670, 477.695, 477.710, 477.720, 477.740; and

(B) Administrative rules adopted pursuant to the statutes listed in subsection (a) of this section; and

(C) Written orders of the forester issued pursuant to the statutes and administrative rules described in subsections (A) and (B) of this section.

(f) “Fire Prevention Warning” means written notice issued to a violator pursuant to OAR 629, division 047. Receipt of a Fire Prevention Warning requires the violator to pay no fine.

(g) “Fire service agency” means fire suppression resources of, or contracted by, the Oregon Department of Forestry, a forest protective association, the U.S. Department of Interior, the U.S. Department of Agriculture, a rangeland fire protection association, a rural fire protection district, a city fire department or a private fire department.

(h) “Serious violation” means a violation that results in a fire which proximately causes human injury, loss of human life, or causes property damage of \$10,000 or more.

(i) "Violation" means the circumstance which exists any time a violator fails to comply with the fire prevention requirements of ORS Chapter 477.

(j) "Violator" means the corporation, operator or person subject to ORS Chapter 477 which is responsible for a violation of the fire prevention requirements of ORS Chapter 477.

(k) "Written order" means a written requirement, from the forester, for a specified practice.

629-047-0040

Basic Enforcement Action

(1) When a violation is determined to exist, an authorized fire warden shall:

(a) Issue either a Fire Prevention Citation or a Fire Prevention Warning to the violator in accordance with ORS Chapter 477 and OAR 629-047-0040 to 629-047-0280.

(A) A Fire Prevention Citation shall be issued if:

(i) A violator has been issued a Fire Prevention Citation or a Fire Prevention Warning for any violation of ORS 477, in any district, in the previous 60 months; or

(ii) The enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Citation; or

(iii) Under periods of extreme fire danger.

(B) A Fire Prevention Warning shall be issued if the enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Warning.

(b) Not allow continuance of any portion of an operation exposed to an increased risk of fire due to a violation and existing or predicted weather conditions, until such time as compliance is restored by:

(A) Ordering, in writing, that portion of the operation stopped; and

(B) Suspending, in writing, for that portion of the operation, the permit issued under ORS 477.625.
Examples:

(i) When the spark arrester on a dozer is found to be in violation of a requirement of ORS 477.645, the operator shall be ordered to cease operation of the dozer and that portion of the permit issued under 477.625 pertaining to the dozer shall be suspended until the spark arrester is in compliance.

(ii) When fire tools required by ORS 477.655 are found to be inadequate, the operator shall be ordered to cease all activity on the operation and the permit issued under 477.625 shall be suspended until the fire tools are in compliance.

(2) Timber sale contract provisions and other similar instruments shall not be used as enforcement measures in lieu of the issuance of a Fire Prevention Citation or of a Fire Prevention Warning.

(3) Notwithstanding the requirements of section (1) of this rule, a district forester may, on a case by case basis, allow an exception to these enforcement policies when circumstances warrant:

(a) In determining if circumstances warrant an exception to these enforcement policies, the district forester shall consider the following factors:

(A) A violator's prior violation of the same or similar fire prevention requirements of ORS Chapter 477; and

(B) The gravity and magnitude of the violation; and

(C) Whether the violation is repeated or continuous; and

(D) Whether the cause of the violation was an unavoidable accident or a willful, malicious or negligent act; and

(E) Whether the violation constitutes a serious violation.

(b) Exceptions to these enforcement policies are intended to be few in number and shall be approved in writing by the district forester on forms provided by the State Forester for that purpose.

629-047-0100

Enforcement Policy for ORS 477.515, OAR 629-043-0041 and 629-043-0043 — Burning Permits

A Fire Prevention Citation shall be issued for all violations.

629-025-0040

General Forest Recreation Rules and Public Conduct

(1) Sanitation.

(a) On all State Forest Land, a Person may not in any manner, unless otherwise authorized, cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, recreational vehicle sewage, or other offensive matter or any abandoned property or material to be placed or left on State Forest Land. A Person may not:

(A) Dispose of any cans, bottles and garbage except in designated places or receptacles;

(B) Drain sewage or petroleum products or dump refuse or waste other than grey water except in places or receptacles provided for that purpose;

(C) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

(D) Pollute or contaminate water supplies or water used for human consumption;

(E) Use a refuse container or disposal facility for any purpose other than for which it is supplied; or

(F) Remove items from containers designated for recyclables, garbage, sewage or waste without authorization from the Forester.

(b) A Person may not wash any clothing, dishware, cookware, or other materials in any lake, stream, river, well pump or other body of water on State Forest Land.

(c) A Person may not deposit human waste within 100 feet of any campsite, trail, or body of water. Human waste must be disposed of by burying to a depth of at least six inches.

(d) Where toilet or sewage facilities are provided, a Person may not dispose of human waste except in those facilities.

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(a) On State Forest Land, a Person may not:

(A) Camp longer than 14 days out of any 35-day period; or

(B) Camp more than a total of 42 days during a consecutive 12 month period; or

(C) Camp longer than the period of time specifically authorized or established by the Forester in writing; or

(D) Camp within 25 horizontal feet of the high water mark of any body of water or in other areas posted closed to Camping by the Department; or

(E) Leave personal property unattended longer than 48 hours on State Forest Land or 24 hours in a Designated Recreation Area; or

(F) Leave personal property or possessions overnight in a Day Use Area without prior written permission from the Forester. Unattended personal property is considered Camping for the purposes of determining the length of stay at a given site. Personal property left unattended longer than 48 hours on State Forest Land or more than 24 hours in a Designated Recreation Area without permission of the Forester may be removed by the Department.

(b) The Forester may establish camping stay limits that are shorter in order to address public safety concerns, or protect and conserve forest resources.

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(a) Deface, disturb, remove or destroy any public property, structures, or any scientific, cultural, archaeological or historic resource, natural object or area;

(b) Deface, remove or destroy plants or their parts, soil, rocks, or minerals, or cave resources.

(4) Animals.

(a) A horse or other animal may not be hitched or confined in a manner that may cause damage to any tree, shrub, improvement, or structure.

(b) The Forester may undertake any measures deemed necessary (including removal of the animal from State Forest Land or requiring the animal be kept under physical control) to protect forest resources or improvements and to prevent interference by the animal with the safety, comfort, and well-being of others, including Department of Forestry employees and its contractors.

(c) A Person may not bring an animal other than a dog or cat - or in designated areas, llamas, alpacas, mules, horses, donkeys, or goats - onto State Forest Land.

(5) Construction of Trails and Shelters. On State Forest Land, a Person may not modify, construct, or cause to be constructed any trail, shelter, building, or other facility or improvement without written permission of the Forester.

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(a) A Person Camping may collect and possess up to one quarter of a cord of firewood for their personal use while Camping on State Forest Land except where otherwise prohibited in these Division rules.

(b) A Person may not remove from State Forest Land firewood which has been collected for use while Camping on State Forest Land without a valid firewood permit except as allowed by ORS 164.813.

(c) Firewood must be collected only from dead and down material that is 12 inches or less in diameter at its largest point. No standing trees, living or dead, may be felled for conversion into firewood.

(7) Campfires.

(a) Fires must be confined to camp stoves or fire grates or other fireproof structures provided by the Department for such purposes. Such structures must be less than four feet in diameter or four feet in length.

(b) All flammable material must be cleared for a distance of five feet around and 10 feet above any fire grate or other fireproof structure used to contain a campfire.

(c) A fire may not be left unattended and every fire must be extinguished before its user leaves the site.

(8) Traffic Rules.

(a) When operating a Vehicle on State Forest Lands, a Person may not violate the basic speed rule or exceed posted speed limits, willfully endanger Persons or property, or act in a reckless, careless, or negligent manner.

(b) A Person may not obstruct or hinder the flow of traffic on a Forest Road.

(c) A Person may not operate a Vehicle on State Forest Road in violation of Oregon traffic laws.

(d) A Person may not block, obstruct or interfere with vehicular or pedestrian traffic on a Forest Road, parking area, trail, walkway, pathway or common area. The Department may tow a vehicle at the owner's expense if the Vehicle is left unattended for more than 24 hours or is parked in a fire lane, roadway, campsite, entry way, driveway, closed area or other location in a manner that threatens the resource, impedes operations of a Designated Recreation Area, public safety, forest practices as defined under ORS 527.620, or any combination thereof.

(9) Target Shooting.

(a) A Person may not:

(A) Place targets on live trees or shoot live trees for any purpose;

(B) Shoot across or along any road or trail;

(C) Shoot carelessly, recklessly, or without regard for the safety of any Person, or in a manner that endangers, or is likely to endanger, any Person or property;

(D) Shoot glass of any kind;

(E) Shoot appliances, furniture, or other materials determined by Department personnel or a law enforcement officer to be garbage;

(F) Shoot targets other than non-exploding targets commercially manufactured for the specific purpose of target shooting, except for paper targets privately manufactured by the Person or persons engaging in target shooting; or

(G) Engage in target shooting or other shooting related activity at times between one half-hour after sunset until one half-hour before sunrise.

(H) Shoot into a stream, waterfall, pond, lake, or other body of water.

(b) A Person engaged in target shooting must:

(A) Remove from State Forest Land all shell casings, targets, and other debris resulting from the target shooting activity; and

(B) Use an appropriately sized, non-flammable, natural backstop or a commercially-manufactured bullet recovery system of sufficient size to capture all projectiles.

(10) Concessions. A Person may not:

(a) Operate a concession on State Forest Land, either fixed or mobile, solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services without written permission of the Forester;

(b) Advertise any goods or services by any means whatsoever.

(11) General Conduct. A Person may not:

(a) Use a metal detector or similar device on State Forest Land without written permission of the Forester;

(b) Obstruct, harass or interfere with any Department personnel or volunteer, or any peace officer in the performance of their duties;

(c) Enter or occupy any building, facility or portion of a Designated Recreation Area or Designated Trail that has been closed to public access;

(d) Occupy or interfere with access to a structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility;

(e) Engage in fighting or promoting, instigating or encouraging fighting or similar violent conduct which may threaten the physical well-being of a Person;

(f) Engage in activities or conduct which creates a public nuisance or hazard; or

(g) Engage in public indecency as defined in ORS 163.465.

(h) Excessive noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument, including, but not limited to: audio-visual equipment, televisions, radios or stereos, amplifiers, or chainsaws in such a manner that is disturbing to another Person.

(i) Discharge or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, sky lanterns, or other substances which could be harmful to visitors or forest resources without written permission of the Forester.

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(12) On State Forest Land, a Person must use hay, straw, and other livestock forage that is certified by The Oregon Department of Agriculture to be weed-free according to North American Weed Management Association standards. A database of certified growers in Oregon may be obtained through The Oregon Department of Agriculture Weed Free Forage Program.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0050

Designated Recreation Areas

(1) State Forest Land designated by the Forester as "Designated Recreation Areas" may include, but are not limited to, Campgrounds, Camping Areas, Day Use Areas, trailheads, staging areas, and boat launch sites. Maps showing the Designated Recreation Areas must be kept on file at the Forester's office and the applicable District office, and must be available for public inspection during normal business hours.

(2) General Forest Recreation Rules as outlined in OAR 629-025-0040 apply to Designated Recreation Areas. In addition to those rules, the following rules apply:

(3) Occupancy and Use:

(a) At areas where Camping is permitted a Person may not camp longer than 14 days out of any 28 day period at a Designated Recreation Area.

(b) A Person must be 18 years of age or older to reserve and register for campsites in Designated Recreation Areas.

(4) Firewood: A Person may not collect firewood within the boundaries of any Designated Recreation Area.

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(a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal without first obtaining permission from the Forester;

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(7) Parking: Automobiles, trailers, or other Motor Vehicles must be parked only in designated parking areas.

(8) Animals:

(a) Any dog, cat, horse, or other animal brought into or kept on State Forest Land must be kept under control at all times.

(b) An animal owner is responsible for the disposal of the animal's waste within Designated Recreation Areas.

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Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0040

General Forest Recreation Rules and Public Conduct

(1) Sanitation.

(a) On all State Forest Land, a Person may not in any manner, unless otherwise authorized, cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, recreational vehicle sewage, or other offensive matter or any abandoned property or material to be placed or left on State Forest Land. A Person may not:

(A) Dispose of any cans, bottles and garbage except in designated places or receptacles;

(B) Drain sewage or petroleum products or dump refuse or waste other than grey water except in places or receptacles provided for that purpose;

(C) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

(D) Pollute or contaminate water supplies or water used for human consumption;

(E) Use a refuse container or disposal facility for any purpose other than for which it is supplied; or

(F) Remove items from containers designated for recyclables, garbage, sewage or waste without authorization from the Forester.

(b) A Person may not wash any clothing, dishware, cookware, or other materials in any lake, stream, river, well pump or other body of water on State Forest Land.

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Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0050

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Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

February 14, 2023

Staff Report

Firewatch Time Requirements Summary

Prepared by: Tom Fields, Fire Prevention Coordinator, Oregon Department of Forestry

Fire statistics from 2013 to 2022

Data reflects when firewatch was required (during fire season).

Data

IT Ignition Time

DT Discovered Time (after ignition)

Level	Fires	IT<1000	IT 1000-1300	IT 1300-1700	IT>1700	DT<60	DT 60-120	DT 120-180	DT>180
IFPL 1	43	7	12	21	3	37	1	3	2
IFPL 2	59	11	26	20	2	49	2	1	7
IFPL 3	28	7	13	8	0	25	1	2	0
EOA	22	2	6	14	0	18	0	1	3
Total	152	27	57	63	5	129	4	7	12
Percent	100%	18%	38%	41%	3%	85%	3%	5%	7%

Note: Fires discovered after 3 hours represent 7 percent of the total, when a fire watch is not required. In addition, four fires were discovered after one hour during IFPL 1 and one fire was discovered after two hours under IFPL 2, times when the fire watch is typically waived.

Fires discovered after one hour.

Fire Name	District	Date	IFPL	Cause	Ignition	Discovered	Acres	Costs
Jack Springs	SWO	10/17/22	1	Track Equipment	0800	1445	.75	\$4,600
Owens	COD TD	6/18/14	1	Carriage Failure	0830	1500	21	\$164,073
Callahan	DFPA	6/18/18	1	F-Buncher	1430	1700	.01	\$136
Rasler Creek	CFPA	7/2/15	2	Power Saw	1015	1330	.01	\$11,310
Lake Creek	CFPA	8/24/22	2	Power Saw	1015	1345	.25	\$50,029
Signal Tree	CFPA	7/16/15	2	Rotary Head Saw	0845	1145	.02	\$3,986
Gate Creek	SC	7/21/15	2	Rotary Head Saw	1330	1500	.01	\$520
Table Rock	CFPA	7/26/22	2	Rotary Head Saw	12:00	0435	1.73	\$73,270

DeBerry	WL	8/31/22	2	Rotary Head Saw	0930	1450	.19	\$1,498
Lr Grave Cr.	SW	8/23/14	2	Rotary Head Saw	1300	1648	5.0	\$103,154
Middle Gulley #120	SC	9/23/14	2	F-Buncher	2000	0530	.05	\$500
Cow Creek	CFPA	8/1/18	3	Rotary Head Saw	0745	1130	.04	\$4,446
BLM Sal	SC	8/24/21	3	Rotary Head Saw	0830	1115	.01	\$0
King Louis III	Astoria	8/31/17	3	Smoldering Carriage	0100	0400	.01	\$250
Fall Creek	WO	7/30/18	3	Worker Smoking	1300	1430	35.3	\$500,000
Holcomb Peak	SWO	9/3/17	4	Electrical Wiring	2300	0530	1.94	\$12,530
Moss #138	KL	6/5/14	EO	Rotary Head Saw	1330	1545	.10	\$4,790
Chicken 255	KL	7/13/17	EO	Other??	1300	1724	.14	\$13,000
Brown	KL	8/11/14	EO	Processor	1100	1900	.01	\$244