

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 629  
DEPARTMENT OF FORESTRY

**FILED**

06/28/2024 8:15 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Advancing Wildfire Prevention

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/01/2024 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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2600 State Street  
Salem, OR 97310

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: 07/30/2024

TIME: 3:00 PM - 4:00 PM

OFFICER: Boone Zimmerlee

REMOTE HEARING DETAILS

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

PHONE NUMBER: 541-620-0341

CONFERENCE ID: 8829567607

SPECIAL INSTRUCTIONS:

Phone only option not available for the hearing.

NEED FOR THE RULE(S)

OAR 629-043-0020 (4) Water Supply and Equipment for Fire Suppression: Update OAR to provide consistent and timely response based on geographic area. Where moving a water supply into position to effectively attack a fire start in a timely manner may not be practical on some operations, the option of utilizing other equipment capable of constructing fire line while water is being mobilized may be more efficient.

OAR 629-025-0040: To be consistent with other public lands regarding the prohibition of fireworks.

OAR 629-043-0030 Fire Watch Service: Update time requirement that aligns with current forest harvesting practices and technology that will also save money for the landowner/operator community while providing a higher level of service at the same time.

OAR 629-047-0010 Authorized Fire Warden: Update to include Wildfire Investigator to be consistent with fire warden duties listed in ORS 477.365.

(f) Investigate the causes of fires and may secure a fire origin area, at any time, for the purpose of preserving evidence and conducting an investigation pertinent to this chapter and control, restrict or prohibit access by any unauthorized person so long as is reasonably necessary in the judgment of the warden.

OAR 629-047-0040 Basic Enforcement Action: Update to hold the public more accountable when it comes to violating any forest protection law under ORS 477, not just multiple violations of the same offense. Also go straight to citation if offense occurs during periods of extreme fire danger.

OAR 629-047-0100 Burning Permits: Strengthen enforcement policy on the number one cause of human-caused wildfires. Go straight to citation when violation occurs during fire season.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Revised Statutes, Rules Advisory Committee meeting minutes, fire cause statistical data that can be found on the Oregon State Legislature web pages, supporting committee documents in ODF shared folders on the intranet, and ODF's Fire Incident Reporting and Enforcement (FIRES) database.

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

All residents and visitors are subject to these rules. There are no known adverse consequences regarding racial equity.

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#### FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal or economic impact as a result of these rule amendments.

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#### 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 measurable costs to agencies. Reducing the fire watch time requirement will actually provide savings to small and large landowners and forest operators across Oregon.

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

A Rules Advisory Committee, that has been established since 2014, collaborated with ODF to update and develop these rules. The advisory committee is comprised of forest landowners and operators, representatives from Oregon Small Woodlands Association, Associated Oregon Loggers, Oregon Forests and Industries Council, Bureau of Land Management and ODF protection and field staff.

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#### WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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#### RULES PROPOSED:

629-025-0040, 629-025-0050, 629-043-0020, 629-043-0030, 629-047-0010, 629-047-0040, 629-047-0100

AMEND: 629-025-0040

RULE SUMMARY: Rule amended to include (11)(i) restricting the use of fireworks and other devices.

#### CHANGES TO RULE:

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.¶

(2) Occupancy and Use.¶

(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. ¶

(3) Property and Resources. On all State Forest Land, unless under contract with the Forester, a Person may not:¶

- (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.¶

(6) Firewood Collection.¶

(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.¶

(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

AMEND: 629-025-0050

RULE SUMMARY: Rule amended to delete the following language now found in ORS 629-025-0040

(c) 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.

CHANGES TO RULE:

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.¶¶

(5) Firearms, Weapons, and Explosives: Within a Designated Recreation Area a Person may not:¶¶

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

(b) Discharge any firearm, pellet gun, bow and arrow, slingshot or other weapon capable of injuring any Person, bird, or animal; or¶¶

~~(c) 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.¶¶~~

(6) Forest Resources and Improvements: A Person may not mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a Designated Recreation Area.¶¶

(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.¶¶

(9) Offensive Behavior: A Person may not use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures, or engage in demonstrations, disturbances, or riotous behavior in any Designated Recreation Area.¶¶

(10) Excessive Noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument in such a manner that is disturbing to another Person.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

AMEND: 629-043-0020

RULE SUMMARY: Rules were amended to update and clarify water supply and equipment for fire suppression requirements.

CHANGES TO RULE:

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 fireline can timely deliver water to and effectively attack 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 anto effectively attack on a fire may indicate water delivery was not 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.

Statutory/Other Authority: ORS 477.650

Statutes/Other Implemented: ORS 477.650

AMEND: 629-043-0030

RULE SUMMARY: Rules were amended to include an update to the fire watch service requirements.

CHANGES TO RULE:

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~~ 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.¶¶

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

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

(5) 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.

Statutory/Other Authority: ORS 477.665

Statutes/Other Implemented: ORS 477.665



AMEND: 629-047-0010

RULE SUMMARY: Rule amended to add Fire Warden-Wildfire Investigator to the definition of "Authorized Fire Warden"

CHANGES TO RULE:

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, ~~by the forester after June 9, 1994~~ 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.

Statutory/Other Authority: ORS 477.980

Statutes/Other Implemented: ORS 477.980 - 477.993

AMEND: 629-047-0040

RULE SUMMARY: Rule amended to reflect changes in the basic enforcement action required.

CHANGES TO RULE:

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~~any violation, ~~in the same of ORS 477, in any~~ district, in the previous ~~360~~ 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.

Statutory/Other Authority: ORS 477.980

Statutes/Other Implemented: ORS 477.980 - 477.993

AMEND: 629-047-0100

RULE SUMMARY: Rule amended to indicate that a Fire Prevention Citation shall be issued for all violations.

CHANGES TO RULE:

629-047-0100

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

~~(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.

Statutory/Other Authority: ORS 477, 526

Statutes/Other Implemented: ORS 477.515