

Agenda Item No.:	4
Work Plan Title & #:	Administrative Work Plan 0
Objective # & Title:	IBI 2 Governance
Presentation Title:	Forest Land Classification Draft Administrative Rules
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**SUMMARY**

This agenda item is the next step in implementing recommendations made by the 2007 Oregon Forestland Classification Review Committee. Since the last update in June of 2008, key steps have been taken in the process and now the Department is requesting Board approval to move forward with the Administrative Rule (OAR's) making process with the attached set of draft Forestland Classification rules.

The recommendations from the classification committee fit into four categories;

- 1.) Statute changes- completed during the 2009 Legislative session (SB 189)
- 2.) **Administrative Rule development- drafts in front of the Board today**
- 3.) Directive changes- completion of this will occur once the administrative rule making process is complete.
- 4.) Forest land classification guidance manuals for the classification committees and forest protection districts.

**CONTEXT**

The Oregon Department of Forestry, Protection from Fire Division is the agency's largest Division providing wildfire prevention and protection on 15.8 million acres of Oregon's forestland. The principal funding source for the Department's fire protection system is derived by classifying protected lands into three categories. Class 1 designates "timber lands", Class 2 designates a combination of "timber/grazing lands" and Class 3 designates "grazing lands". Each of these forestland classification types are assessed annually a per acre cost, which is determined by the level of protection provided by the local district.

The Forestland Classification system has not been substantively updated in over 30 years and many aspects have changed. The goals of the review were to update the classification system to reflect current conditions, identify ways to improve the efficiency, and develop consistency of administration. The statutes that define and outline the forestland classification process are contained in ORS Chapter's 477 and 526, and in OAR Chapter 629 Division 045.

**BACKGROUND AND ANALYSIS**

During the 2004 Fire Program Review, it was recommended that in the future the Division review the forest land classification statutes and policies. Starting in January of 2007 as a continuing effort to implement the recommendations from the program review,

the Division embarked on a comprehensive review of the Forestland classification system. As part of this process three key deliverables were identified; first development of a report outlining all relevant statutes, existing policies, and guidance. The second deliverable identified was the development of recommended changes from the review of statutes, policies, and guidance to be implemented over the next couple of years. The last deliverable focused on development and updates to directives, guidance manuals, and tools for agency personnel to consistently implement recommendations.

To accomplish these deliverables a 29-member comprehensive Forestland Classification Steering Committee was convened comprised of large forest landowners, small woodland owners, urban interface residents, the State Fire Marshal's office, Association of Oregon Counties, Rural Fire Chiefs, Oregon Forest Industries Council, County Assessors, Emergency Fire Cost Committee, and others.

The final product delivered by the committee outlined three primary recommendations;

1. Changes to ORS Chapter 526 will need to be brought forth as a Legislative Concept to; allow classification committees the ability to classify lands in multiple counties, add a member of the fire service to the classification committee and add minor statute language to include "interface" in the definition of forest land. (This was completed in the 2009 Legislative session with the passage and adoption of Senate Bill 189)
2. **Specific changes to OAR Chapter 629 will need to be developed over the next two years and brought to the Board for first comments. Lastly, after public hearings, bring back to the Board the final rule package for approval in the spring of 2010.**
3. After final completion of ORS and OAR changes the Division will update Department Directives to show final revisions and develop tools to implement. (Completion of step 3 will occur after the OAR process)

#### **RECOMMENDATION**

**Instruct the Department to move forward with formal administrative rule making for the Forestland Classification Rules to include OAR 629-045-0001 through 0010.**

#### **NEXT STEPS**

1. Present draft Forestland Classification Rules for Board review and comment (November 2009).
2. Complete the formal rule making process by (February 2010).
3. Report back to the Board the outcomes of the formal ruling making process and adopt the new Forestland Classification Rules (Spring 2010).

#### **ATTACHMENTS**

- 1 Draft OAR's for Forestland Classification
- 2 Senate Bill 189