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| Agenda Item No.: | 7 |
| Work Plan: | Fire Protection Work Plan |
| Topic: | Ongoing Topic: District Boundary Changes |
| Presentation Title: | Central Oregon District Boundary Change |
| Date of Presentation: | July 23, 2015 |
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SUMMARY

The purpose of this agenda item is to seek approval from the Board to accept changes made to the Central Oregon District Boundary as initially proposed and to submit for filing the revised administrative rule which describes the boundary of the Central Oregon Forest Protection District (Attachment 1).

CONTEXT

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

BACKGROUND AND ANALYSIS

There are two changes that need to be made to the Central Oregon Forest Protection District boundary. The first is within The Dalles Unit in Wasco County (Attachment 2) and the second is within the Prineville Unit in Crook County (Attachment 3).

The change to The Dalles Unit boundary is straightforward, as it removes the description of an 80 acre parcel that is now owned and protected by the Warm Springs Tribe (within the Reservation boundary).

On the Prineville Unit, a public notice was posted in the state’s Oregon Bulletin as well as local newspapers. In addition, letters were mailed directly to landowners who would be affected by the proposed boundary change. The district held a public meeting followed by a hearing at the Crook County Library on May 26, 2015 (Attachment 4). Through this process, the district received three (3) written comments regarding the proposed boundary change (Attachment 5). One landowner (Written Testimony No. 1) asked that his property not be included within the proposed boundary. Two additional testimonies (Written Testimony 2 and 3) were from landowners that were not included within the proposed boundary, but would like to be.

After review of all the provided testimony, the Department recommends maintaining the proposed district boundary as the final boundary. The recommendation is based on the following considerations:

Written Testimony No. 1 – With the primary objective of protecting timberland from fire, the district drew a boundary line to best encompass those lands to be included in the protection district. As a result, additional acres of class 3 grazing land will be included in the district. It is not practical to carve out the class 3 acres of this landowner and remove them from the district based on operational aspects of fire protection related to a district boundary line. Note: A portion of this landowner’s ownership is within Crook County Fire and Rescue, (boundaries) but much of it is outside the boundaries and would not be protected by any agency if removed.

Written Testimony No. 2 – This landowner has a portion of his property that would be included within the proposed boundary and a portion that would be outside the proposed boundary. He requested that his entire ownership be included in ODF’s district boundary even though his property is also protected by Crook County Fire and Rescue. The district and Department has chosen not to add his additional property within the ODF district boundary because it adds additional class 3 grazing acres that provide no additional protection to timber resources. The landowner will continue to be protected by Crook County Fire and Rescue and ODF maintains a Mutual Aid Agreement with them.

Written Testimony No. 3 – This testimony was sent by a group of landowners in a small subdivision adjacent to the existing mapped ODF boundary. These landowners asked to be added to the district as well. The district chose not to include the requested area within the district boundary because it would have required that the district add a substantial amount of class 3 grazing acres in order to encompass their lands. These lands are currently protected by Crook County Fire and Rescue with a Mutual Aid Agreement with ODF. In addition, ODF is willing to consider contracting for fire protection to the homeowner association if they are interested in additional protection.

With this proposed boundary change to the Central Oregon Forest Protection District, there will be approximately 110 Tax Lots and 66 landowners affected. Approximately 92 Tax Lots and 60 landowners will be added to the Forest Protection District for a total increase of 20,746 Acres. Approximately 18 Tax Lots and 6 landowners will be removed from the Forest Protection District for approximately 6,428 acres.

RECOMMENDATION

The Department recommends that the Board direct the State Forester to adopt the proposed district boundary changes and finalize the rulemaking process to amend OAR 629-041-0515, the boundary description of the Central Oregon Forest Protection District Boundary.

NEXT STEPS

If the proposed boundary is accepted, the Department will file the revised administrative rule language and the new boundary will go into effect. At that time, ODF will begin protecting the lands included in the boundary. Those lands will be subject to the forest

patrol assessment once ODF notifies landowners (next spring) and they are added to the forest patrol assessment roll (November 2016).

ATTACHMENTS

1. Proposed OAR 629-041-0515, Central Oregon Forest Protection District Boundary (Pages 9 – 12)
2. (Map) The Dalles Unit Boundary Change
3. (Map) Proposed Prineville Unit Boundary
4. Hearing Officer's Report
5. Written Testimonies 1, 2, and 3