

# Senate Bill 928

Sponsored by Senators PROZANSKI, GIROD, SMITH DB

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Instructs State Forester, or forest protective association or agency that is under contract or agreement with State Board of Forestry for protection of forestland against fire, and whose protection area is or may be affected by fire on nearby federal lands, to take certain actions to address fire.

## A BILL FOR AN ACT

1  
2 Relating to addressing wildfire originating on federal lands; amending ORS 477.066.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 477.066 is amended to read:

5 477.066. (1) Each owner and operator of forestland on which a fire exists or from which it may  
6 have spread, notwithstanding the origin or subsequent spread thereof, shall immediately proceed to  
7 control and extinguish such fire when its existence comes to the knowledge of the owner or opera-  
8 tor, without awaiting instructions from the **State** Forester, and shall continue until the fire is ex-  
9 tinguished.

10 (2) If the **State** Forester determines the fire is either burning uncontrolled or the owner or op-  
11 erator does not then have readily and immediately available personnel and equipment to control or  
12 extinguish the fire, the **State** Forester, or any forest protective association or agency under contract  
13 or agreement with the State Board of Forestry for the protection of forestland against fire, and  
14 within whose protection area the fire exists, shall summarily abate the nuisance thus constituted  
15 by controlling and extinguishing the fire.

16 (3) An owner may request in writing that the **State** Forester employ alternate fire prevention  
17 and suppression strategies or techniques on the owner's forestland. The **State** Forester may employ  
18 some or all of the requested strategies or techniques when, in the judgment of the **State** Forester,  
19 conditions warrant the use of the alternate strategies or techniques.

20 (4) **Subject to the provisions of subsection (6) of this section, the State Forester, or any**  
21 **forest protective association or agency that is under contract or agreement with the State**  
22 **Board of Forestry for the protection of forestland against fire, and whose protection area is**  
23 **or may be affected by a fire on nearby federal lands, shall:**

24 (a) **Undertake fire management response planning, including but not limited to planning**  
25 **for strategic risk, planning for extended attack and planning before a fire season, to address**  
26 **fires or potential fires originating on the federal lands; and**

27 (b) **If a fire originates on the federal lands, implement the planning described in para-**  
28 **graph (a) of this subsection.**

29 (5) **If a fire originates on federal lands and the actions described in subsection (4) of this**  
30 **section do not adequately protect forestland, in the judgment of the State Forester, the State**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 Forester may enter onto the federal lands to abate the fire, at the expense of the state, to  
2 the extent permitted by federal law, or in coordination with federal land management agen-  
3 cies.

4 (6) The requirements of subsection (4) of this section do not affect any obligation other-  
5 wise imposed upon, or agreed to, by the State Forester for the provision of wildfire sup-  
6 pression personnel, equipment or services.

7 (7) Notwithstanding subsections (4) and (5) of this section, the State Forester may not  
8 use wildfire suppression personnel, equipment or services:

9 (a) On federal land that is military land withdrawn from public access, unless the State  
10 Forester obtains permission from the appropriate military authority before using the wildfire  
11 suppression personnel, equipment or services on the federal land.

12 (b) On lands held by an Indian tribe, unless the State Forester obtain permission from  
13 the tribal government of the Indian tribe before using the wildfire suppression personnel,  
14 equipment or services on the lands.

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