



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of June 22, 2015

Please see directions for completing this document on the next page.

DATE: June 16, 2015

FROM: Ed Keith Forestry (Administration) 541-322-7117

TITLE OF AGENDA ITEM:

Consideration of Board Signature of Resolution 2015-082, A Resolution Declaring a State of Emergency and Imposing Public Use Restrictions on all Unprotected Wildlands within unincorporated Deschutes County, including all Lands owned by Deschutes County

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

Following the devastating 2014 Two Bulls fire and the impending fire season of 2014, the Board of Commissioners enacted public use fire restrictions on unprotected wildlands in order to raise public awareness of the high level of risk for additional wildland fire and to prevent additional human caused fires. The fire season of 2015 is again expected to be very busy and fire danger has already reached a level of 'high' with 'extreme' conditions expected through most of the summer months. The Oregon Department of Forestry has enacted 'regulated use' restrictions on lands within their protection district, effective June 19, 2015. Resolution 2015-082 and the attached regulations in Exhibit 1 look to emulate those restrictions on the unprotected lands within the County, including County owned lands.

FISCAL IMPLICATIONS:

None

RECOMMENDATION & ACTION REQUESTED:

Recommend signature of 2015-082

ATTENDANCE: Ed Keith

DISTRIBUTION OF DOCUMENTS:

Ed Keith

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Declaring a State of Emergency and *
Imposing Public Use Restrictions on all * RESOLUTION NO. 2015-082
Unprotected Wildlands within unincorporated *
Deschutes County, including all Lands owned by
Deschutes County

WHEREAS, ORS 401.309 authorizes the county governing body to declare a state of emergency within the county; and

WHEREAS, wildland fires endanger the health and safety of the county's population, jeopardize its economic vitality (the B & B Complex Fire in 2003 closed State Highway 20 for two weeks resulting in economic losses of \$3.5 million per day in Deschutes County) and imperil the quality of the environment; and

WHEREAS, the Deschutes County Emergency Operations Plan (EOP) provides in part that a state of emergency exists whenever the unincorporated area of the county is in imminent danger of suffering an event that may cause injury or death to persons, or damage to or destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare; and

WHEREAS, current weather patterns (forecasted into October) create conditions that greatly increase the threat and likelihood of high intensity wildland fires, including wildland-urban interface wildfires; and

WHEREAS, the definition of wildland fire is an unplanned, unwanted wildland fire including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to put the fire out, and

WHEREAS, the Deschutes County Emergency Operations Plan and the Deschutes County Natural Hazards Mitigation Plan encourage mitigation and prevention measures, including ignition prevention and large, catastrophic fire prevention; and

WHEREAS, Deschutes County seeks to implement a course of action that will reduce the risk of wildland fires within the unincorporated area of the county, now therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. Pursuant to ORS 401.309 and the Deschutes County EOP, a State of Emergency is presently declared within the unincorporated areas of Deschutes County.

Section 2. Effective upon signing of this Resolution, a Public Use Restriction on all unprotected wildlands within unincorporated Deschutes County, including all lands owned by Deschutes County, is in effect through October 15, 2014 or unless otherwise recinded.

Section 3. The restrictions imposed by these Public Use Restrictions are listed on Exhibit 1, attached to this Resolution and incorporated herein.

Section 4. Violations of these Public Use Restrictions imposed by this Resolution shall be prosecuted as a civil matters, as permitted by law, and may subject violators to civil damages and/or injunctive process.

Section 5. Any members of the public who are in violation of these Public Use Restrictions while present on county owned lands are deemed to be trespassing and are subject to criminal prosecution, as permitted by law.

BOARD OF COUNTY COMMISSIONERS

Dated this _____ of _____, 20__

ANTHONY DEBONE, CHAIR

ALAN UNGER, VICE-CHAIR

TAMMY BANEY, COMMISSIONER
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Recording Secretary

EXHIBIT 1

DESCHUTES COUNTY Public Use Restrictions

Enacting Authority: Deschutes County Resolution No. 2015-082

Applicability of Public Use Restrictions: All unprotected wildlands within unincorporated Deschutes County, including all lands owned by Deschutes County

Excepting the owner's legal right of entry upon their land, entry is unlawful unless those entering comply with the following restrictions:

- Smoking is prohibited while traveling, except in vehicles on improved roads.
- Open fires are prohibited, including campfires, charcoal fires, cooking fires and warming fires, except in designated areas. Portable cooking stoves using liquefied or bottled fuels are allowed.
- Chainsaw use is prohibited, between the hours of 1:00 p.m. and 8:00 p.m. Chainsaw use is permitted at all other hours, if the following firefighting equipment is present with each operating saw: one axe, one shovel, and one 8 ounce or larger fire extinguisher. In addition, a fire watch is required at least one hour following the use of each saw.
- Cutting, grinding and welding of metal is prohibited between the hours of 1:00 p.m. and 8:00 p.m. At all other times the area is to be cleared of flammable vegetation and the following fire equipment is required: one axe, one shovel, and one 2 ½ pound or larger fire extinguisher in good working order.
- Use of motor vehicles, including motorcycles and all-terrain vehicles, is prohibited, except on improved roads and except for vehicle use by a landowner and employees of the landowner upon their own land while conducting activities associated with their livelihood.
- Possession of the following firefighting equipment is required while traveling in a motorized vehicle, except on federal and state highways, county roads and driveways: one shovel and one gallon of water or one 2½ pound or larger fire extinguisher, except all-terrain vehicles and motorcycles which must be equipped with an approved spark arrestor in good working condition.

- Mowing of dried grass with power driven equipment is prohibited, between the hours of 10:00 a.m. and 8:00 p.m., except for the commercial culture and harvest of agricultural crops.
- Use of fireworks is prohibited.
- The release of sky lanterns is prohibited.
- The discharging of exploding targets or tracer ammunition is prohibited.
- Blasting is prohibited.
- Any electric fence controller in use shall be: 1) Listed by a nationally recognized testing laboratory or be certified by the Department of Consumer and Business Services; and 2) Operated in compliance with manufacturer's instructions.

The County Forester or an authorized representative may, in writing, approve a modification or waiver of these requirements.

These restrictions shall remain in effect through October 15, 2014, unless earlier replaced, suspended, or terminated by an additional Resolution of the Deschutes County Board of County Commissioners.

Maps of the subject area(s) may be viewed at the County Forester's Office, 61150 SE 27th Street, Bend, Oregon 97702 or at <https://maps.deschutes.org/custom/basic/PublicUseRestrictions.html> .

Information and maps of regulated closures for the Oregon Department of Forestry can be found at the following website: <http://www.oregon.gov/odf/pages/fire/precautionlevel.aspx>

Information and maps of public use restrictions on Deschutes National Forest can be found at the following website: <http://www.fs.usda.gov/centraloregon>