

2020 Oregon Wildfire Recovery

SRF 7: NCRR Task Force Supplemental Regulatory Programs

Jan 15, 2021

Along with the [FEMA Greensheet](#), this list outlines regulatory programs from state agencies that communities should be aware of as recovery and rebuilding continues. Fire impacted communities, property owners and local agencies can reach out to the individual agencies and programs listed below for more information.

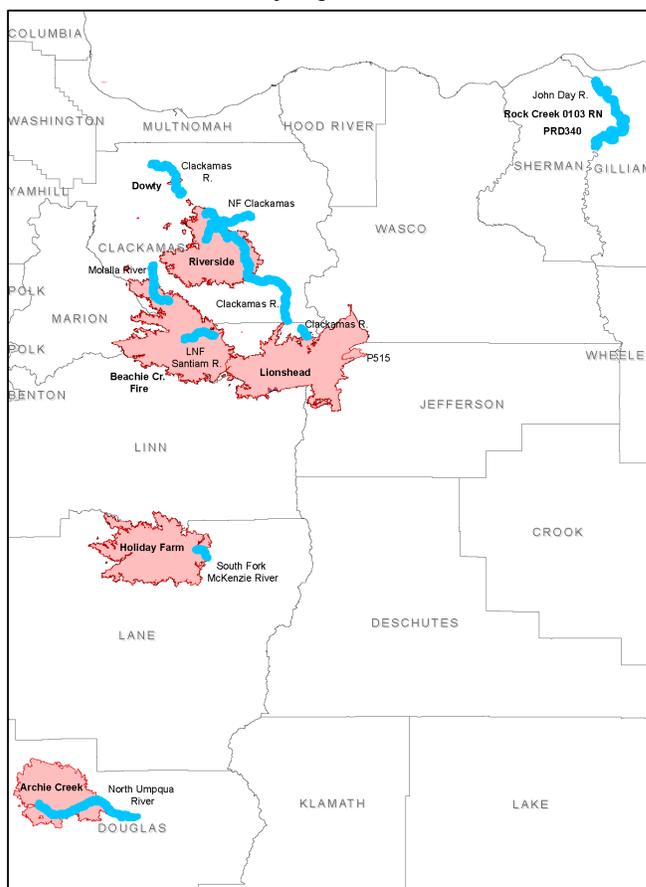
Oregon Parks and Recreation Department **Oregon Scenic Waterway Program**

Under Oregon's State Scenic Waterway Program (ORS 390.005 – 390.095), property owners located within ¼ mile of a designated scenic waterway are required to provide notification to the Oregon Parks and Recreation Department for any activity that may affect scenic values of the waterway including, but not limited to; construction or improvements of buildings, utilities such as roads or other structures, logging or tree removal, mining, or other activities that may affect scenic values. More information about the program, including notification forms, may be found here: <https://www.oregon.gov/oprd/prp/pages/ssw-notification.aspx>.

Although there are specific Oregon Administrative Rules (OARs) that relate directly to each scenic waterway, there are other OARs that apply to *all* state scenic waterways. See the [Scenic Waterway Rule](#) page for more information.

Above is a map showing the major fires and designated scenic waterways within each fire area. The GIS layers for this map are available upon request.

State Scenic Waterway Segments in 2020 Fire Burn Areas



State Historic Preservation Office

Oregon's Statewide Land Use Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces requires local governments to follow specific procedures when approving the demolition or relocation of a locally significant historic resources recognized in the community's ordinances or planning documents and properties listed in the federal National Register of Historic Places, including historic buildings, structures, and

archaeological sites. The Oregon Administrative Rule (OAR) 660-023-0200 requires a public hearing process to consider relevant factors before a local government may take action. The rule also includes provisions for removing locally significant historic resources from the local resource list. Removing properties from the National Register of Historic Places follow a federal process administered by the Oregon State Historic Preservation Office (SHPO). Separate, specific state laws protect archaeological sites under Oregon Revised Statutes (ORS) 358.905 through 358.961.

For more details on how to plan for historic preservation, please visit:

https://www.oregon.gov/LCD/Publications/Planning_for_Historic_Preservation_in_Oregon.pdf

Oregon Department of Forestry ***Oregon Forest Practices Act (FPA)***

The Oregon Department of Forestry (ODF) regulates forestry operations on non-federal land. Landowners and operators are subject to the FPA and associated rules when they perform commercial activity to establish, manage or harvest forest trees species. The person responsible for the forestry work must notify ODF prior to operating on forestland. This notification process provides three essential functions: notifies the State Forester about the forest operation, applies for a permit to operate power driven machinery or use fire, and notifies the State Forester and Department of Revenue about the intent to harvest timber.

Info regarding the FPA: <https://www.oregon.gov/odf/Pages/lawsrules.aspx>

Info regarding the ODF Notification Process: <https://www.oregon.gov/odf/working/pages/enotification.aspx>

Fire Protection and Prevention

Oregon law provides for fire protection of forests and vegetation, and includes: fire prevention restrictions pertaining to public and industrial related activities; permit to operate power driven machinery or use fire; fire detection; fire suppression requirements; investigation; and smoke management planning.

Information regarding fire protection and prevention laws can be found at:

<https://www.oregon.gov/odf/fire/Pages/default.aspx>

Oregon Water Resources Department ***Oregon Water Rights and Well Construction Regulation***

With some exceptions, a water right is needed in order to use water in Oregon. Water rights specify how the water may be used, and changes to that use (e.g., points of diversion, places of use, types of use, wells, etc.) may need approval from the Oregon Water Resources Department (OWRD). If a water system will be used differently than how it was previously used under an existing water right, a water right holder may need to apply and receive approval from OWRD for a temporary or permanent transfer or a permit amendment prior to making the change. A limited license may be needed for immediate short term uses. For more information on post-fire water right considerations visit, <https://go.usa.gov/x7jN4> or www.oregon.gov/owrd for more general information.

Following wildfire, water wells and associated systems may have electrical, structural, and water quality problems. It is recommended that you contact a licensed contractor authorized to work on water pumps to inspect or repair wiring, contact a licensed well constructor to evaluate structural damage to your well, and have your well water tested before use. If the well is no longer in use, it is important to have it properly abandoned by a licensed well constructor. For more information on maintaining wells after wildfire and relevant contact information, visit <https://go.usa.gov/xGJ2H>.

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