

REVIEWED  
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LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Delegating Authority to Request State  
Resources for Wildfires on Unprotected Lands.

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ORDER NO. 2022-037

WHEREAS, Deschutes County includes properties that fall outside a formal fire district and are considered unprotected; and

WHEREAS, fires do occur in these areas and may escape initial containment efforts resulting in an emergency where there is significant risk to homes, agriculture and lives and there may be inadequate resources in the form of local, state, federal or rangeland fire protection association resources; and

WHEREAS, Deschutes County may have need to request state resources to aid in protecting structures, livestock and lives (at the State's expense); now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. To the extent permitted by law, Deschutes County delegates the authority to the Emergency Manager, County Forester or respective designees to make a request through the Fire Defense Board Chief for resources provided through the Oregon Office of State Fire Marshal. If fires occur on unprotected lands or threatening unprotected lands, the County will coordinate with the Fire Defense Board Chief or designee to assess the risk and make a request to the State.

Section 2. Response Plan attached hereto as Exhibit 1. Delegation of Authority example attached as Exhibit 2.

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Section 3. In the event that the Governor makes a declaration pursuant to the Emergency Conflagration Act (ORS 476.510 to 476.610), and the Oregon Office of State Fire Marshal requests a delegation of authority for structural fire protection or wildfire suppression; the County Administrator, Board Chair or Board Vice-Chair may sign on behalf of Deschutes County and bring the delegation of authority to the next scheduled meeting for ratification.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2022

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DeBONE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

## Response Plan for Fires on Unprotected Lands

### Background:

There are nine fire districts located in Deschutes County. Additionally, a significant portion of Deschutes County consists of federally managed lands (United States Forest Service or Bureau of Land Management). Much of Western Deschutes County is also located within the protection boundary of the Oregon Department of Forestry.

There are notably two areas of significant size that are considered unprotected (structural or wildland). These areas include much of Eastern Deschutes County and the area of Lower Bridge in Northern Deschutes County. Historically, these fires have been suppressed by landowners often with the assistance of federal firefighting resources as fires threatened federally managed lands. Additionally, both areas are now protected by Rangeland Fire Protection Associations (RFPA), which receive training and equipment from the state for the purposes of wildland firefighting.

Deschutes County has not identified protection zones under ORS 476.330.

In the event a major fire occurs and is likely to escape initial attack, the county may make a request to the Oregon Office of State Fire Marshal (OSFM) for additional resources for structural protection. Depending on the circumstances, OSFM may request a Conflagration Declaration from the Governor or authorize Immediate Response resources.

### Response authorities:

Fire districts may respond outside their fire district under the following circumstances:

1. Pursuant to district policy under ORS 478.310
2. When the fire reasonably threatens protected values at risk of the district
3. Under a mutual aid agreement (ie. another fire district, RFPA, state, or federal protection agencies)
4. When the fire is of significant magnitude to warrant state response and requested by the County (see procedure below).

When resources are requested from the state outside of structurally protected areas, the county must make that request and when a conflagration is ordered sign a delegation of authority for structural protection on unprotected lands.

### Procedure:

1. Fire Defense Board Chief (or designee), RFPA representative or other agency contacts the Emergency Manager, County Forester, or respective designees and informs them of a fire of significance on unprotected lands and there is a need for state assistance.
2. The County Designee confers with the Fire Defense Board Chief, who then makes a request to OSFM for resources through the regional mobilization coordinator.

3. If resources are authorized under immediate response, the resources report to the Incident Commander and County supports the Incident Commander as needed.
4. If resources are authorized under a Conflagration Declaration, the County is a signer on the delegation of authority for the OSFM Incident Commander. The County Administrator or Board Chair may sign the delegation of authority on behalf of the County.
5. The Board of Commissioners ratifies the signature by county designee at the next meeting.

**County Designees (for Coordination and Resource Requests):**

1. Emergency Manager
2. County Forester
3. County Administrator

**County Signatories for Delegation of Authority**

1. County Administrator
2. Chair of Board of County Commissioners
3. Vice-Chair of Board of County Commissioners



## DELEGATION OF AUTHORITY

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INCIDENT NAME

\_\_\_\_\_ is assigned as the Incident Commander (IC) for the \_\_\_\_\_ located within the legal jurisdiction of the following authority: \_\_\_\_\_. The IC will assume command of this incident at \_\_\_\_\_ hours on \_\_\_\_\_.

The IC is delegated full authority and responsibility for managing the activities listed below on these lands within the framework of law and the direction provided by the Oregon Office of State Fire Marshal and by the jurisdiction administrator or their designee.

The IC's primary responsibility is to organize and direct assigned resources for safe, efficient, and effective mitigation of this incident.

The IC is accountable to the State Fire Marshal and the jurisdiction administrator or their designee.

Specific direction for the \_\_\_\_\_ is as follows:

1. Provide for the safety and welfare of all assigned personnel.
2. Establish unified command with other agencies who have – or have been granted – authority as it relates to this incident.
3. Maintain interagency cooperation with all agencies participating in mitigation of this incident.
4. Document damage to structures and improvements caused by the incident by producing maps and photographs of damage caused by incident.
5. Document damage caused by incident resources, which should include photographic documentation.
6. Provide for situation reports to the affected jurisdiction(s).
7. Provide timely and accurate public information utilizing appropriate means such as public meetings, social media, and community outreach.
8. Design and implement a method for the immediate transfer of information related to the need for revision of evacuation levels. This method should also include a process for the jurisdiction(s) to notify the team of possible threats to structures.

9. Provide a process for release of this delegation and transfer of command back to the appropriate authority.

The jurisdiction administrator or their designee will:

1. Attend Cooperators Meetings and Planning Meetings.
2. Provide jurisdiction mapping products.
3. Provide appropriate available in-briefing documentation.

Authority Having Jurisdiction:

_____	_____	_____
JURISDICTION ADMINISTRATOR NAME	TITLE	CELL

In the event that I am not immediately available, my designated representatives will be:

_____	_____	_____
1 <sup>ST</sup> DESIGNEE NAME	TITLE	CELL

_____	_____	_____
2 <sup>ND</sup> DESIGNEE NAME	TITLE	CELL

By my signature, I hereby delegate full authority and responsibility for providing incident management within the framework of law and the direction provided herein to the Oregon Office of State Fire Marshal (OSFM).

_____	_____
JURISDICTION ADMINISTRATOR NAME	SIGNATURE

By my signature, I hereby accept the delegated authority as described herein.

_____	_____
OSFM AGENCY ADMINISTRATOR NAME	SIGNATURE

_____	_____
INCIDENT COMMANDER NAME	SIGNATURE