CCFFA Slash Burning Work Group

Summary of Our Concerns

The CCFFA Slash Burning Work Group came into being because of questions from members who were told that they could not burn pruning debris in the months of December, January and February; when pruning should occur.

We found that Clackamas County Fire District #1 attempted to ban all burning between 12/15 and 03/01; these dates coincided with the back yard burn date closures. The districts Fire Marshal convinced the Clackamas County Fire Defense Board that doing so would standardize burning within the county. Knowing the ORS 478.960 as we did, we challenged the rule and asked for a legal opinion from our legislative representative. The legislative counsel's legal opinion confirmed our position and the Fire Defense Boards adoption was rescinded.

The issue of DEQ's Administrative Rules, regarding slash burning within the Open Burning Control Areas, came up during our conversations with our members, regarding the winter burn ban. We were informed that permits for slash burning were being denied by the local fire districts based on DEQ's OAR 340-264-0010, specifically for Clackamas County, sub. sect. 0120.

Contact was made with DEQ and we were informed that the burning of slash within the 6 - mile Open Burning Control Areas was banned, outside of those properties covered by the smoke management plan of Oregon Department of Forestry, and had been for more than 10 years. When questioned about the original exemption for agricultural and slash burning statewide, we were informed that the change on slash burning took place in the late 90's with the advent of the new 6 - mile Open Burning Control Areas. The reason given for the separation of ag and slash was that the availability of alternative methods for disposing of slash were more prevalent.

Further checking by two legislative representatives found that the public notifications of rule change were done in accordance with ORS's but were done with a minimum of public awareness. No attempt, that we can find, was made by DEQ to notify affected small woodland owners or industrial timber companies, about the proposed rule change.

Our information showed that the inclusion of the "Letter Permit" rules in the new regulations was to head off possible objections/challenges by the timber owners; while we cannot prove it, we believe that DEQ had no intentions of issuing Letter Permits and subsequent actions and comments have proven this to be true.

The reasons given for not issuing such permits is that, due to legislative budget cuts, they do not have the manpower to enforce the slash burning covered by such permits. This is really stretching the point! Once the need for such a permit, and there is a well established process for getting these permits, is documented, the responsibility for monitoring the slash burn becomes the responsibility of the local fire department or district. Manpower requirements of DEQ are a non-issue.
With the increase in timber harvesting, during the past 2 years, the problem has become more of a burden on our small woodland owners. The alternative methods for disposal of slash have not developed, as envisioned by DEQ and other environmental groups, and in actuality, has diminished; power boilers have gone by the wayside with the pulp & paper plants using them, generation plants capable of burning slash and hog fuel have not materialized and the commercial need has not kept up with supply.

The costs for disposal, even in good, accessible locations, has reached as high as 50% of profits; we have access to actual quotations for such disposal. To a small woodland owner, who plans on using their harvest profits to augment retirement income or for children's or grand children's college tuition, for example, the disposal costs, for other methods than burning, can be devastating.

When this point was raised with DEQ, we were told that the property owner should consider an approved burn pit process, or just leave the slash for mother nature to take care of.

The latter process, of slashing, can be an alternative for larger industrial timber owners, where they have 100's of acres over which to disperse the slash piles or windrows, but this is not feasible for the people who have 8 - 10 acre plots; there are considerable numbers of these within the 6 - mile burn ban area of Clackamas County.

We would like to believe that our pressure has driven the Columbia Region of DEQ to begin discussions with ODF regarding turning all slash burning over to that agencies to be managed under the Smoke Management Plan. No mention has been made of the Open Burning Control Areas additional restrictions on slash burning. If the exemption is not re-instated within the new rules, then the problem will still exist. We are not sure if ODF has included this issue in the discussions.

We were informed two weeks ago, that the ODF -North Cascades District's smoke management co-coordinator is no longer with ODF. He was the designated contact for CCFFA on this issue. We will be in contact with Steve Wilson, District Forester, regarding this loss of our contact person and hope to have it resolved shortly. The last report we had from our liaison was that the two agencies were making their administrative rules more compatible so that revisions could be made more easily.

The person at ODF handling these discussions is Nick Yonker at 503-945-7200. With the explosion of fire season, not sure where we are at or who is now in play.

The members of the work group are of a mind to not trust DEQ's commitment to these negotiations. It is entirely possible that they will drag their feet and do everything possible to dilute any modification to current status. We are hoping that this is not the case, but, as of right now, we are in the dark regarding the negotiations and are not even sure that our position on this issue has been made available to ODF's negotiation team; we are flying blind.