



State of Oregon Advancing Wildfire Protection

*Implementation and Advancement of
Senate Bill 762 (2021 Regular Session)*

Office of Governor Kate Brown





State of Oregon
Wildfire Programs Director - Report 5 | September 2022

Advancing Wildfire Protection in Oregon

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Contents

Executive Summary	2
Introduction	3
Duties of the Wildfire Programs Director	5
Roles of the Wildfire Programs Advisory Council	5
Senate Bill 762 Implementation Status	6
Implementation Obstacles and Opportunities	13
Catalog of Future Possibilities	20
Appendix I	21
Appendix II	28
Appendix III	29
Appendix IV	35

Implementation Agencies

Department of Consumer and Business Services	(DCBS)
Department of Environmental Quality.....	(DEQ)
Oregon Department of Human Services	(ODHS)
Department of Land Conservation and Development.....	(DLCD)
Higher Education Coordinating Commission.....	(HECC)
Office of Oregon State Fire Marshal.....	(OSFM)
Oregon Department of Forestry	(ODF)
Oregon Emergency Management	(OEM)
Oregon Health Authority	(OHA)
Oregon State University.....	(OSU)
Public Utility Commission	(PUC)
Wildfire Programs Advisory Council.....	(WPAC)

Executive Summary

This implementation status report is produced by the Wildfire Programs Director every two months for the Governor, the presiding officers of the Oregon Legislature, and the chairs of relevant legislative committees. New to this report is Appendix 1, SB 762 Equity Case Study, which was produced to capture current implementation of equity directives in SB 762, along with an assessment of where improvements could be made to meet equity intent more effectively through implementation and within Oregon law.

The majority of SB 762 implementation is going very well. Interagency coordination is strong, the Wildfire Programs Advisory Council is extremely effective, and stakeholder engagement has been robust. However, the one area of SB 762 implementation that has posed significant challenges is the development and delivery of the statewide wildfire risk map.

As required by law, the statewide wildfire risk map was completed by June 30, 2022. However, upon release of the map, there was an immediate and broad public outcry for a variety of reasons. Property owners raised concerns regarding homeowner insurance implications, lack of coordination locally in the development of the map, an inefficient appeals process, accuracy of the map, and uncertainties related to downstream regulations directed by the mapping designations.

State legislators also raised concerns. The Oregon Department of Forestry (ODF) and the Governor's Office received two letters, one from Representatives Morgan and Wallan and one from Senator Hansell and Representative Levy,

generally requesting improvements in the map development process. Multiple press releases and legislative newsletters expressed concerns with the original map release, including submissions by the Oregon House Republican Caucus, Senator Findley, Representative Owens, and Senator Golden.

During ODF's outreach in southwest Oregon, credible threats to public officials forced the cancelation of an in-person public meeting to present the map. In place of an in-person meeting, ODF held a virtual meeting on July 27 with over 1,200 Oregonians in attendance that ultimately amplified overall concerns related to the map. On August 4, State Forester Mukumoto publicly recalled the map and the appeals process to reset a pathway to develop a wildfire risk map that could be more credibly received by Oregonians.

Of interest, it is not the implementation of community defense measures (defensible space and hardening of homes) that is driving most concerns related to the map. Oregonians generally agree that these defense measures are an important part of Oregon's future to increase home survivability when wildfires do reach our communities. In fact, many Oregonians have completed defensible space work and home hardening proactively and are looking for recognition of this effort reflected in the map. This recognition is achievable and could be reinforced with some minor law adjustments during the 2023 session.

Ultimately, the current mapping process—in its fast-paced delivery to meet stated deadlines—has fallen short and currently lacks credibility as a reliable tool to direct where home defense measures are to be applied. However, with more time to complete community defense codes, potentially more resources to conduct field reviews with communities to address current mapping concerns, and with an assertive effort to partner with Oregon insurers to incentivize community defense measures, there is a strong opinion that it is possible to execute a more engaging, acceptable mapping process, and to deliver a credible product as intended in law.





Introduction

Oregon is no stranger to wildland fires. But in the past decade, as our summers have grown longer, hotter, and drier, our landscapes and communities have become increasingly susceptible to wildfire. Severe and expanding drought continues to plague the state, as rivers and reservoirs run low because of insufficient snowpack and the lack of rainfall. In 2020, Oregon experienced its most devastating fire season in many years, when more than 2,000 fires burned 1.2 million acres. Nine lives were lost in the Labor Day wildfire events, along with more than 5,000 homes and commercial structures. Fires burned in Clackamas County outside the Portland metro area, causing the area to have some of the world's worst air quality for several days, and throughout the state. Through all this, it has become increasingly clear that Oregon is fighting fires of a new age—made more intense by the impacts of climate change. While recovery and rebuilding remain a priority—especially in communities that are excluded from traditional recovery methods, and those that have been disproportionately

impacted by wildfire devastation—advancement in fire protection, with a modern approach, must also be a focus.

Recognizing this need, Governor Brown created the Council on Wildfire Response in early 2019. The Council was tasked with compiling comprehensive recommendations and a cohesive strategy to deal with the increasing difficulties posed by wildfires and smoke, tailored specifically to the challenges faced in Oregon. The Council put forward a comprehensive report with 37 recommendations among three key strategies, which are based on the National Cohesive Strategy on Wildfire: creating fire-adapted communities, increasing wildfire response preparedness, and making Oregon's landscapes healthier, stronger, and more resilient. Most of the Council's recommendations were codified in [Senate Bill \(SB\) 762](#), through the dedicated leadership of the legislature during the 2021 regular session. Investments in SB 762 total \$195 million and are allocated across programs consistent with the National Cohesive Wildfire Strategy, see [Appendix II](#).

Two key provisions to administering SB 762 were to appoint a Wildfire Programs Director and to establish the Wildfire Programs Advisory Council. The [Governor appointed Doug Grafe](#) as Director, and the [Council](#) has been established by the legislature with a broad cross-section of members, representing different interests and geographic areas of the state.

One of the responsibilities of the Director is to provide bi-monthly reports to the Governor, the presiding officers of the Oregon Legislature, and the chairs of relevant legislative committees. The purpose of this report is to summarize progress on the implementation of SB 762, note obstacles and opportunities, and catalog possibilities for future improvements to further reduce wildfire risk in Oregon.

Overall, implementation for the first year of the biennium is progressing well. The Implementation Status section of this report offers:

- Key due dates for SB 762 deliverables
- The agency or organization responsible for each deliverable
- Links to further details as needed

The Obstacles and Opportunities section, along with the Catalog of Future Possibilities section, offers an assessment of ongoing implementation opportunities to advance fire protection in Oregon, efficiently and commensurate with the reality of wildfire risk. These sections will be updated in each bi-monthly report.



Duties of the Wildfire Programs Director

- Oversee implementation of SB 762
- Coordinate activities of 11 implementation agencies
- Ensure compliance with deadlines
- Monitor and assess the equity of any financial impacts of implementation activities on local jurisdictions
- Supervise council staff and develop director reports every two months
- Explore current and future opportunities to reduce wildfire risk



Roles of the Wildfire Programs Advisory Council

- Advise and assist the wildfire programs director
- Monitor SB 762 implementation and evaluate agency reports
- Advise on changes necessary to dramatically reduce wildfire risk and ensure regional defensible space, building codes, and land use applications are appropriate
- Strengthen intergovernmental and multiparty collaboration including government, stakeholders, and the public
- Assess how Oregon's wildfire risk map may inform building codes and land use laws, rules, and decisions in a regionally appropriate manner
- Assess the application of defensible space requirements to vineyards, crops, and other cultivated vegetation
- Review the findings and recommendations in the DLCD's October 2022 report, and make additional recommendations to land use planning, local comprehensive plans, and zoning codes to minimize wildfire risk
- Report every October to the Governor and appropriate committees or interim committees of the Oregon Legislative Assembly



Senate Bill 762 Implementation Status

2021

- Rulemaking requirement
- Reporting requirement
- Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Sept. 1	Oregon Legislature	Wildfire Programs Advisory Council members must be appointed	(Completed)
Oct. 27	Board of Forestry (BOF) & ODF	Adopt by rule Wildland Urban Interface (WUI) definition	(Completed) ODF : Board of Forestry meetings : Board & committees : State of Oregon Initiated Aug. 24, 2021 and completed Oct. 20, 2021
Nov. 1	WPAC	Council must begin meeting regularly	(Complete and Ongoing) 2022 schedule is established: Wildfire Programs Advisory Council
Nov. 30	BOF & ODF	Initiate rulemaking to clarify a person may conduct a prescribed fire that burns across land ownership boundaries if the person obtains and complies with a permit and obtains consent from all landowners, and establish a Certified Burn Manager Program	(Complete and Ongoing) ODF : Board of Forestry meetings : Board & committees : State of Oregon Initiated July 21, 2021 and must be completed by November 30, 2022

Date	Responsible Party	Required Action	Implementation Status
Dec. 1	BOF & ODF	Consult with the Oregon Prescribed Fire Council concerning best practices for a Certified Burn Manager Program, and report to the legislature on when the department expects to launch the program	<p>(Complete and Ongoing)</p> <p>ODF: Prescribed fire : Fire : State of Oregon Rules Advisory Committee (RAC) includes Oregon Prescribed Fire Council. ODF has hired a Prescribed Fire Coordinator to build out this program.</p>
Dec. 31	Investor-Owned Utilities (IOUs) & PUC	Must submit first risk-based wildfire protection plan to the PUC.	<p>(Complete and Ongoing)</p> <p>On Nov. 30, 2021 the PUC adopted temporary rules governing risk-based wildfire protection plans required to be filed by the IOUs.</p> <p>https://apps.puc.state.or.us/orders/2021ords/21-440.pdf.</p> <p>To view all risk-based utility wildfire mitigation plans, visit the following link, the reports are located in the right column: https://www.oregon.gov/puc/safety/Pages/Wildfire-Mitigation.aspx</p>
Dec. 31	ODF	Report to wildfire legislative committees/Director/Council on WUI, risk classes, and mapping rulemaking progress	<p>(Complete and Ongoing)</p> <p>Report to the legislature on December 21, 2021: https://www.oregon.gov/odf/aboutodf/pages/legislative-reports.aspx.</p>
Dec. 31	OEM	Update its statewide emergency plan to prepare for and respond to wildfire emergencies	<p>(Complete and Ongoing)</p> <p>OEM, ODF and OSFM collaborated to update the Statewide Emergency Plan. https://www.oregon.gov/oem/Documents/2021_OR_EOP_ESF_04_Firefighting.pdf</p>

Date	Responsible Party	Required Action	Implementation Status
Jan. 15	ODF	Provide interim report on wildfire risk reduction project selection to natural resources legislative committees/Director/Council/Governor	(Complete and Ongoing) https://www.oregon.gov/odf/aboutodf/pages/legislative-reports.aspx
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(Complete and Ongoing) https://www.oregon.gov/osp/programs/sfm/Shared%20Documents/OSFM%20Biannual%20762%20%20Report%202022.pdf
June 30	Consumer-Owned Utilities (COUs)	Submit first risk-based wildfire mitigation plan to the utility governing body	(Completed) 37 COUs have submitted their first risk-based wildfire mitigation plans and all are being tracked by the PUC.
June 30	ODF & OSU	Must finish all Section 7 mapping requirements	(In Progress and Delayed) The state's wildfire risk map was completed on time and the appeals process was initiated. However, both processes were paused for a number of reasons detailed in this report.
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(In Progress and On Track)
Sept. 1	DCBS	Complete interactive mapping tool	(In Progress but Delayed by Map) DCBS and OSU have established an inter-agency agreement but must wait for the final version of the state's wildfire risk map to complete this effort.
October	WPAC	First annual report to Governor/ relevant legislative committees	(In Progress and On Track) WPAC has established three work groups who are meeting weekly to draft their report. Workgroup presentations are scheduled before the full council on September 26 and October 14 to complete the Council Report by the end of October.

Date	Responsible Party	Required Action	Implementation Status
Oct. 1	DCBS	Adopt R327 (wildfire hazard mitigation building code standards) for new dwellings and dwelling accessory structures, and amend R327 to include standards for additions to existing dwellings and dwelling accessory structures and for replacement of certain existing exterior materials	(In Progress but Delayed by Map) DCBS has initiated a rule making process through the Residential and Manufactured Structures Board. Although code language will be completed by October 1, official adoption of the code will need to wait for completion of final version of the statewide wildfire risk map.
Oct. 1	DLCD	Report on needed updates to the statewide land use planning program and local comp plans and zoning codes to wildfire legislative committees/Director/Council	(In Progress and On Track) DLCD hired a SB 762 implementation planner. This position coordinated a series of community listening sessions and facilitated DLCD's wildfire adapted communities stakeholder group to advise on DLCD's report: oregon.gov/lcd/nh/pages/wildfire-adapted-communities.aspx
Nov. 30	ODF	Complete rulemaking to clarify a person may conduct a prescribed fire that burns across land ownership boundaries if the person obtains and complies with a permit and obtains consult from landowners	(In Progress and On Track) ODF : Prescribed fire : Fire : State of Oregon . ODF rules advisory committee has completed their work to finalize draft rules which are being processed through the BOF at their November meeting.
Dec. 31	OSFM	Establish minimum defensible space requirements	(In Progress but Delayed by Map) Oregon Defensible Space Code Development Committee was established on February 23 and will continue its work over the next several months. Although code language will be completed by December 31, official adoption of the code will need to wait for completion of final version of the statewide wildfire risk map. oregon.gov/osp/programs/sfm/pages/oregon-defensible-space-code.aspx

Date	Responsible Party	Required Action	Implementation Status
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
June 30	ODF	Complete wildfire risk reduction projects	(In Progress and On Track) \$25 million in ODF grants have been selected by diverse review committees and are currently being allocated to treat over 150,000 acres. Ongoing grant administration is necessary to support grantee implementation efforts.
June 30	ODHS	Report to appropriate legislative committees/Director/Council on the status of the Clean Air Space Grant Program	(In Progress and On Track) With the passage of SB 1536 (2021), ODHS broadened grant applications to include Tribal Nations and public schools. Requests have been received for HVAC improvements, HVAC installations, or portable air scrubbers. ODHS purchased 463 air scrubbers to deploy throughout the state. Details about the program are available at oregon.gov/dhs/EmergencyManagement/Pages/index.aspx
July 15	ODF	Final report on wildfire risk reduction program to natural resources legislative committees/Director/Council/Governor	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)

2024

- Rulemaking requirement
- Reporting requirement
- Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)
Oct. 1 (at the latest)	DCBS	Must update R327 to ensure the code incorporates the standards and to make any necessary adjustments to the applicability of the standards and permitting requirements in the code	(On Track)

2025

- Rulemaking requirement
- Reporting requirement
- Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)

Date	Responsible Party	Required Action	Implementation Status
Jan. 1	Counties	Required to ensure that all lands within the county that are outside of forest protection districts and susceptible to wildfire have baseline level or higher of wildfire protection	(On Track) ODF & OSFM plan to start organizing this effort during the 2022/23 winter
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)

Note: OSFM biannual defensible space reporting requirement and WPAC reporting requirements do not sunset.

Key implementation efforts without specific deadlines in SB 762 include:

OHA – RESIDENTIAL SMOKE FILTRATION GRANT PROGRAM

- OHA will consult with ODHS for their June 2023 report to the legislature regarding the public clean air space grant program.
- 5,000 residential air filtration units have been ordered. Distribution is in progress and to be completed by OHA and Community Care Organizations (CCOs) this fall. Targeted distribution is planned among persons vulnerable to the health effects of wildfire smoke and who reside in areas susceptible to wildfire smoke.

DEQ – COMMUNITY WILDFIRE RESPONSE PLANS AND SMOKE MONITORING INFRASTRUCTURE

- \$1.5 million in grants have been awarded to 21 organizations including Tribes, counties, cities, private entities, and collaborative groups to create options for alternatives to open burning or investing in emission reduction tools such as air curtain incinerators, integrating smoke notifications into existing emergency alert systems, and developing community response plans.
- Smoke Monitor Infrastructure: Five of the 20 new nephelometers funded under SB 762 are operational for the 2022 fire season.

HECC – OREGON CONSERVATION CORPS ADVISORY COMMITTEE

- Members were appointed by the Governor in December and quickly got to work with HECC to advertise and appropriate \$9 million in grants to reduce community fire risks and promote youth workforce development by reducing hazardous fuels. 13 Projects are currently funded with 411 youth engaged in this work.
- HECC and the Oregon Community Foundation have partnered to enable private donations to be matched by the state’s \$1 million general fund appropriation for this purpose.



Implementation Obstacles and Opportunities

As SB 762 implementation continues to take place, it's important to note ongoing opportunities to advance fire protection in Oregon, as well as to be transparent about obstacles and barriers to progress. This section of the bi-monthly report will evolve over time, informed by coordination meetings scheduled quarterly with the 11 agencies tasked with SB 762 implementation responsibilities. Additionally, the quarterly scheduled Wildfire Programs Advisory Council (WPAC) meetings will be critical to help assess implementation progress, obstacles, and opportunities. The WPAC, by law, is not a decision-making body, but instead is established to provide advice, assistance, perspective, ideas, and recommendations to the Wildfire Programs Director. Given the complexity of policies and programs that SB 762 advances, the Wildfire Programs Director will lean heavily on the advice of the WPAC. The following are observations on obstacles and opportunities to ensure successful implementation. This section of the report is formatted consistent with the section-by-section summary of SB 762 in [Appendix III](#), for ease of reference.

Senate Bill 762 - Advancing Wildfire Protection in Oregon

Section-By-Section Bill – Implementation Obstacles and Opportunities, March 2022 – Director Report 2

ELECTRIC SYSTEM PLANS (Sections 1-6)

Obstacles/awareness items:

- Public Safety Power Shutoffs (PSPS) are a wildfire prevention measure where utilities de-energize power during severe weather events. The PUC has adopted rules to guide the implementation of PSPS's. PSPS are a part of utilities' risk-based wildfire protection plans and will require greater public awareness, readiness, and acceptance. Successful implementation will take great care by utility companies and all Oregonians.

Opportunities:

- Leveraging and incorporating existing utility infrastructure investments including wildfire detection cameras and weather stations, into the statewide wildfire readiness system.
- Oregon Department of Energy is currently seeking public input on deploying federal Infrastructure Investments and Jobs Act dollars to develop grant opportunities to help prevent power outages and enhance Oregon's electrical grid resiliency to wildfire.

STATEWIDE MAP OF WILDFIRE RISK (Sections 7 & 31-34)

Obstacles/awareness items:

- Defining the Wildland Urban Interface (WUI) and the identification of high and extreme risk classes, at the property level, represented one of the more controversial and polarizing issues with SB 762. The impetus for intense scrutiny on these topics largely relates to the downstream regulations, defensible space and hardening of homes, that will apply on high and extreme risk parcels within the WUI.
- ODF and OSU made the map public on July 1 2022 deadline and initiated the appeals process as directed in law. Following significant public outcry related to the map, along with other factors such as homeowner's insurance rates, the map and appeals process was paused by ODF on August 4.

Opportunities:

- The pause in the map release, has provided time to address several critical issues:
 1. Homeowner's Insurance - the insurance commissioner has effectively decoupled the concern that insurer's were utilizing the map to inform underwriting decisions at this time, however several concerns remain. Overall wildfire risk is on the rise in Oregon and there continues to be adjustments in Oregon's insurance market that reflects increased risk. Leveraging the home survivability measures, defensible space and hardening of homes, that Oregon will be implementing to ensure insurance availability and mitigate rate increases will be critically important. Also, it would be naive to think insurers would not use the map in the future, as the sophistication of the map is better understood.
 2. Completing the defensible space code and hardening of homes building code language will be important during the next iteration of the map. The map dictates where these codes will be implemented and without knowing what these codes actually required, gave Oregonians great concern of the unknown.

3. Greater collaboration with the public and local governments in the development and delivery of the map is essential to the success of the next map version. A strong communication strategy is essential to understanding why we have created a map, how the map was created, what it means to be classified in various risk classes and what the map will be used for.
4. Local review of the map is necessary to improve accuracy and offer greater credibility to a final mapping product.

DEFENSIBLE SPACE (Sections 8-10)

Obstacles/awareness items:

- Assessing the application of defensible space requirements to agricultural lands, including vineyards, crops, and other cultivated vegetation, was brought to the July 8 WPAC meeting for deliberation. This task of the WPAC is consistent with SB 762 - Section 36 (2) (f) and the WPAC provided sound counsel to inform the defensible space code.

Opportunities:

- Defensible space standards are a proven measure to increase home survivability during wildfires, while providing for the safety of first responders. This will be a new program for Oregon to develop and implement. Growing this program to optimal performance, in partnership with local jurisdictions, will be a critical step in advancing fire protection in Oregon.
- ODF and OSFM are collaborating to seek local projects for application to the newly formed Community Wildfire Defense Grant Program established through the federal Infrastructure Investments and Jobs Act. These projects will augment the \$25 million in general fund investment in Oregon's Community Risk Reduction Fund administered by OSFM.

LAND USE (Section 11)

Obstacles/awareness items:

- Reviewing the DLCD report and making additional recommendations will be an important function of the WPAC. The possibility of applying land use restrictions due to wildfire risk assessments was a point of concern during SB 762 development. DLCD's report is due in October, along with the WPAC report. There will likely need to be a special addendum to the WPAC report in November due to this scheduling discrepancy.

Opportunities:

- The advancement of land use planning and zoning codes are intended to mitigate wildfire impacts to our communities and infrastructure. Successful implementation will take prudent assessment by DLCD and the WPAC to address issues such as safe evacuation and development considerations in areas of extreme and high wildfire risk.

BUILDING CODES (Section 12)

Obstacles/awareness items:

- An unintended consequence related to locally adopted building code standards has surfaced. A few communities including Medford, Grants Pass, and Ashland have adopted local fire resistant building code standards under the local adoption path provided in R327 of the Oregon Residential Specialty Code. Generally, local government is preempted from adopting construction standards. Given the WUI along with high and extreme risk classification in the statewide risk map, are unlikely to take in all parcels currently regulated by existing local building codes based on their local mapping, early indicators suggest the state will be removing existing fire resistant code requirements in some parcels within these three communities when it implements fire hardening code standards based on the statewide wildfire risk map. This issue re-surfaces the deliberation between local or state-wide regulation of fire resistant building codes.

Opportunities:

- The advancement of wildfire hazard mitigation building codes standards have proven to mitigate wildfire impacts to structures. This will be a new program for Oregon to develop and implement. Growing this program to optimal performance, in partnership with local jurisdictions, will be a critical step in advancing fire protection in Oregon.

HEALTH SYSTEMS FOR SMOKE (Sections 13-15)

Obstacles/awareness items:

- New programs and grants have been developed through these sections to protect public health from the negative effects of smoke. Early indicators suggest that the interest in deploying residential air filtration systems managed by OHA, is greatly outweighing available funding. Given the high cost of HVAC systems, the current funding will be inadequate to equitably provide cleaner air systems in shelters throughout the state. The requirement that funding only be provided to public entities is a limiting factor, particularly in rural Oregon where nonprofit and faith-based organizations typically take a leading role in providing shelter. ODHS' support to cleaner air spaces is limited to only providing equipment. Flexibility is needed to also support local jurisdictions to establish and operate cleaner air systems, similar to the way ODHS can support cooling and warming shelters.

Opportunities:

- This critical investment in infrastructure and response planning to protect public health will position the state to make greater strides toward reducing catastrophic fire risk through advancements in the application of prescribed fire.
- Expanding smoke monitoring equipment and the number of community smoke response plans with DEQ, will help the state's ability to prepare communities for the additional smoke impacts expected with more catastrophic wildfires in Oregon's future.

EMERGENCY RESPONSE & DISASTER RECOVERY (Sections 16-17)

Obstacles/awareness items:

- The updates to the statewide emergency plan in this section are complete. The statewide coordination requirements to advance emergency response will take a concerted effort throughout the biennium with all emergency response partners.

Opportunities:

- Expanded coordination and training across emergency response organizations will be critical to effective wildfire response. Developing productive mutually beneficial relationships between state and local governments, Tribes, and other interested parties such as non-profits will be critical to success.

WILDFIRE RISK REDUCTION PROGRAM (Sections 18-20)

Obstacles/awareness items:

- This section reflects a long-term vision. It will take time beyond this biennium to reach the pace and scale of landscape restoration necessary to have meaningful impacts on catastrophic wildfire risk reduction, as recognized in the requirement for a 20-year strategic plan. There are currently over two million acres of federal lands restoration projects ready for implementation in Oregon. Several barriers exist to implementing these projects and future projects. SB 762 and the Infrastructure Investments and Jobs Act aims to mitigate those challenges through efforts such as workforce development, advancement of prescribed burning, and interagency collaboration.

Opportunities:

- Leveraging federal funding from the Infrastructure Investment and Jobs Act will help to significantly increase the pace and scale of landscape resiliency in Oregon.
- The volume of grant applications for resilient landscape work across the state clearly indicates a great interest in this work. ODF has selected its \$25 million in grant projects leveraging their partnerships across an all-lands approach. The Infrastructure Investments and Jobs Act, proposes significant funding for landscape resiliency nationally, and Oregon is positioned well with federal partnerships in shared stewardship and good neighbor authorities to attract infrastructure dollars to augment SB 762's investment. On April 18, the USFS announced \$11.7 million of resilient landscape projects were funded in Oregon through the Collaborative Forest Landscape Restoration Program. These projects represent the first of the federal infrastructure dollars arriving in Oregon for this purpose.

OREGON CONSERVATION CORPS (Sections 21-23)

Obstacles/awareness items:

- The newly formed Oregon Conservation Corps Advisory Committee manages the Oregon Conservation Corps Program. This Committee will actively seek and source private donations to support the Oregon Conservation Corps Program. SB 762 appropriates \$1 million to match private donations for this program, but it is uncertain whether this match will be fully utilized this biennium.

Opportunities:

- A successful workforce development program that develops youth to be employable within natural resources professions should gain the interest of many private natural resource companies and organizations. Creating private/public partnerships will aid in the success of this program.

SMALL FORESTLAND GRANT PROGRAM (Section 24)

Obstacles/awareness items:

- Implementation is proceeding well without any challenges. Grant administration and community support is now ODF's focus, given all funds for this program have been allocated.

Opportunities:

- This grant program is part of the overall Wildfire Risk Reduction Program strategy of restoring landscape resiliency through the reduction of hazardous fuels across all land ownerships. Consistent with sections 18-20, leveraging federal funding from the Infrastructure Investment and Jobs Act will help to significantly increase the pace and scale of landscape resiliency.

PRESCRIBED FIRE (Sections 25-27)

Obstacles/awareness items:

- This program establishment is aspirational with several challenging obstacles to successful implementation, including an adequately trained workforce to conduct prescribed burns, simple liability standards in Oregon, and a limited burn window outside the expanding peak of fire season where burns can be conducted safely and effectively.

Opportunities:

- Establishing this program will take Oregon down the much-needed path of advancing prescribed fire use to mitigate the risk of catastrophic wildfire. Leveraging federal funding from the Infrastructure Investment and Jobs Act will help advance the use of prescribed fire on private, public, and Tribal lands.

FEDERAL PARTNERSHIPS (Section 27a)

Obstacles/awareness items:

- NA

Opportunities:

- Leveraging federal funding from the Infrastructure Investment and Jobs Act is critical to advancing community defense grants, resiliency and the reduction of hazardous fuels on federal lands, along with all other lands in Oregon.

PROTECTED AREAS (Sections 28-29)

Obstacles/awareness items:

- The implementation date of January 1, 2026 for this section is a recognition that this effort is complex, will take time, and will require leadership persistence and coordination across state agencies and local governments over the next several biennia to fully implement.

Opportunities:

- Strengthening the coordination between state and county emergency response organizations, by setting a baseline standard of protection will advance fire protection in Oregon. SB 590 (2021) is a complementary policy to SB 762 that will advance fire protection to north central Oregon's wheat growing region.

WILDFIRE RESPONSE CAPACITY (Section 30)

Obstacles/awareness items:

- Late August and early September are historically the peak of fire season and this year is no different. Generally, we have been fortunate to-date with robust spring rains and increased resource availability through SB 762. However, local fire conditions are now driving increased fire behavior as we are seeing with the deployments of both an ODF and OSFM incident management team to the Rum Creek Fire northwest of Merlin.
- A Statewide Detection Camera Interoperability Committee has been created and is fully operational given SB 762 funding. The vision of this committee is to develop the most integrated, and inter-organizational wildfire detection system in the United States that provides immediate statewide access for the most efficient and effective emergency response, thereby ensuring the quality of life and protection of resources in Oregon.

Opportunities:

- SB 762 investments in both OSFM and ODF's wildfire response capacity has advanced wildfire protection in Oregon. Investments in fire protection through federal funds from the Infrastructure Investment and Jobs Act will amplify the state's investments, collectively raising Oregon's state of readiness to address wildfire.

WILDLAND URBAN INTERFACE (WUI) FIRE PROTECTION (Sections 31-34)

See Section 7 above

STATE WILDFIRE PROGRAMS DIRECTOR (Section 35)

Obstacles/awareness items:

- Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among jurisdictions will be a challenge. The Wildfire Programs Director will seek advice from the WPAC on where to focus attention and how to meet this expectation of the position.

Opportunities:

- The Catalog of Future Possibilities section of this report identifies future opportunities to advance fire protection in Oregon. The Wildfire Programs Director will seek advice from the WPAC to support ongoing efforts and consider setting other concepts in motion.

WILDFIRE PROGRAMS ADVISORY COUNCIL (Sections 36-39)

Obstacles/awareness items:

- All 19 members of the WPAC have been actively engaged and their dedication to advancing wildfire protection in Oregon is clear. The WPAC has established three high functioning working groups to write their first annual report, which is due October 2022. This report will be a valuable resource as Oregon deliberates on how to advance fire protection commensurate with our rising risk of catastrophic wildfire.

Opportunities:

- The Wildfire Programs Director will rely heavily on the council's advice, perspectives, and recommendations to advance fire protection in Oregon. The diversity of council perspectives and the honest discussions at council meetings will be of great value to the director in the execution of their duties.
- The WPAC can play an important role in developing productive mutually beneficial relationships between state and local governments, Tribes, and other local/regional stakeholders.

CONFORMING AMENDMENTS (Sections 40-43)

NA

APPROPRIATIONS (Sections 44-64)

NA

CAPTIONS (Section 65)

NA

EMERGENCY CLAUSE (Section 66)

NA

Catalog of Future Possibilities

The cataloging of future possibilities to advance fire protection in Oregon will evolve with future meetings of the Wildfire Programs Advisory Council, legislative coordination, lessons learned through implementation of SB 762, outcomes of the Infrastructure Investments and Jobs Act, and inter-agency coordination. As a starting point, the following concepts include recommendations from the Governor's Council on Wildfire Response that were not advanced fully in SB 762 along with a few emerging considerations:

- Recommendations 5 & 12: Insurance Risk Mitigation Incentives and Affordability
- Recommendations 9, 10 & 11: Durable Wildfire Recovery Programs - Stafford Act Reform and Local Economic Recovery Fund
- Recommendations 14 & 37: Landscape Resiliency Fund – Leveraging Infrastructure Bill
- Recommendation 19: Prescribed Fire Liability (related to HB 2571 – 2021 session)
- Recommendations 21 & 37: Emergency Fire Suppression Funding
- Recommendation 33: Prevention Advancements and Communication
- Recommendation 37: 20-year strategic financial funding plan
- Durable SB 762 investments and program adjustments: Readiness, Mitigation and Response
- Evolving the Interagency Statewide Wildfire Detection Camera System & Information Technologies
- Addressing any law updates necessary to support a wildfire risk mapping product that can be effectively utilized to direct community defense measures: defensible space and hardening of homes
- Address considerations in SB 762 Equity case study submitted as an appendix to this Report



Appendix I

Equity and Vulnerability Case Study SB 762

Program Implementation and Development Through an Equity Lens and Supporting Vulnerable Populations

TO: Governor Brown, President of the Senate, Speaker of the House of Representatives, and chairs of relevant committees of the Legislative Assembly

FROM: Doug Grafe, Wildfire Programs Director; Dr. Emily Jane Davis, Associate Professor, Oregon State University; and Caitlyn Reilley, Faculty Research Assistant, Oregon State University

DATE: September 2022 (submitted as an appendix to bi-monthly Wildfire Program Director's report)

PURPOSE

This case study was written to highlight SB-762's requirements to apply an equity lens and support vulnerable populations, along with exploring the agency's actions to meet this legislative intent during program implementation and development. The purpose of this study more specifically was to:

- Identify where an equity lens and support to vulnerable populations is specifically called out in SB 762.
- Provide insights to the agency's implementation of the law to operationalize equity values and provide support to vulnerable populations.
- Highlight interagency coordination efforts necessary to meet legislative intent.
- Consider areas for improvement to institutionalize future government efforts to advance equity and support for vulnerable populations.
- Conduct a series of interviews with authors of the law, to gain insight on the intentionality of the equity and vulnerability language utilized and reasons why equity and vulnerability law language varied among agencies.

SUMMARY

There are four sections in SB-762 that speak to applying an equity lens or supporting vulnerable populations. This case study highlights each section of law referencing these expectations and presents the responsible agency's actions to meet legislative intent through implementation.

This study recognizes a clear legislative intent, as expressed in law, to build institutional change towards greater equity and support for vulnerable populations. However, this study also suggests that operationalizing this intent: is complicated given a limited "equity review" during law development, requires strong interagency coordination and would benefit from increased education on how to apply an equity vision such as more support systems for agencies to identify and assist vulnerable populations.

SB 762 LAW LANGUAGE & AGENCY IMPLEMENTATION

Oregon Department of Forestry (ODF) - SECTION 7.

- (1) The State Forestry Department shall oversee the development and maintenance of a comprehensive statewide map of wildfire risk...*
- (2) The Oregon Wildfire Risk Explorer must be the official wildfire planning and risk classification mapping tool for the State of Oregon.*
- (7) The map must: **(d) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.***

Implementation Status:

Given no such mapping layer exists in Oregon law, Oregon State University (OSU) and ODF collaboratively developed a social vulnerability map layer to be included alongside the statewide wildfire risk maps. OSU utilized data from the most recent American Community Survey (ACS) 5-year estimates from 2016-2020 to map social and economic vulnerability, roughly following the methods of the Centers for Disease Control's well established "Social Vulnerability Index" (SVI) [GRASP Social Vulnerability Index \(cdc.gov\)](https://www.cdc.gov/grasp/social/), [American Community Survey Data \(census.gov\)](https://www.census.gov/data/tables/time-series/demo/acs/2016-2020.html). OSU curated data from the US Census in late March of 2022, then calculated and mapped SVI for each census block group, the most detailed unit of geography for which there was reliable census data. OSU also calculated SVI at the census tract and county subdivision units of geography and made that dataset available through OSU's open access repository [Scholar'sArchive](https://www.scribd.com/document/614444444/SVI-Data) along with technical documentation detailing methodologies and data sources. The SVI data was incorporated into the Oregon Wildfire Risk Explorer tool by the Institute for Natural Resources in June of 2022. Communications materials addressing frequently asked questions related to all OSU produced maps are available on the [OSU wildfire risk webpage](https://www.oregon.gov/OSU/Extension/Fire/Program/Pages/OSU-wildfire-risk-webpage.aspx). OSU has conducted outreach related to the SVI map with the help of OSU Extension Fire Program and the Northwest Fire Science Consortium.

Areas for Improvement:

Senate Bill 762 requires the creation of the map, but no further reference to utilize this map layer in the development or implementation of wildfire programs through an equity lens or in support of social and economically vulnerable populations is explicitly directed in law.

Oregon State Fire Marshal (OSFM) - SECTION 8a.

- (1) The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the statewide map of wildfire risk described in section 7 of this 2021 Act as within the wildland-urban interface.*
- (6) The State Fire Marshal may provide financial, administrative, technical, or other assistance to a local government to facilitate the administration and enforcement of requirements within the jurisdiction of the local government. A local government shall expend financial assistance provided by the State Fire Marshal under this subsection to **give priority to the creation of defensible space:***
- (a) On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055.***

Implementation Status:

OSFM will provide unique Community Risk Assessments, which include wildfire risk factors, social vulnerability index maps created in partnership with OSU and other demographic information, to local governments seeking financial assistance to ensure funds are targeted as required by SB 762. OSFM will not limit funds to including only property owners and will provide equitable treatment to all occupants.

Areas for Improvement:

SB 762 Section 8a (6)(a) states that financial assistance should prioritize creation of defensible space “on lands owned by members of socially and economically vulnerable communities...”. Many individuals that fall into this vulnerability category do not own the land upon which they live. In addition, CDC data sources track the demographics of residents, without regard to whether they are landowners or renters.

Oregon Health Authority (OHA) - SECTION 15.

(2) The Oregon Health Authority shall establish a program to increase the availability of residential smoke filtration devices among persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke.

Implementation Status:

To make residential smoke filtration devices more available to “persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke”, OHA focused identifying people who are eligible or covered by Medicaid (Oregon Health Plan), have certain conditions that make them susceptible to smoke and reside in counties with the most consistent wildfire smoke exposure. OHA prioritized people covered or eligible for Medicaid residing in Deschutes, Jackson, Jefferson, Josephine, Klamath, and Lake with the following three conditions that make them susceptible to smoke, people of all ages with asthma, and adults with chronic obstructive pulmonary disease or heart disease. OHA estimated about 44,000 people with those three health conditions in those five counties would benefit from a residential smoke filtration device. Other areas with consistent smoke exposure and vulnerable persons include the eastern parts of Clackamas, Douglas, Lane, Linn, and Marion counties. The most effective way to distribute these devices is through the health plans that serve the Medicaid population. In 2022, OHA will distribute approximately 10,000 devices with replacement filters to vulnerable people residing in the first five counties prioritized above with funds appropriated from SB 762 (approximately \$4 million for smoke filtration device grants).

Areas for Improvement:

OHA suggests no law language adjustments to reach vulnerable populations. However, with increased funding, OHA would be able to distribute more devices to vulnerable persons residing in the counties identified as having the most consistent wildfire smoke exposure. OHA is also interested in expanding partnerships with local public health authorities, tribes, and community partners to distribute additional devices. OHA is currently researching more cost-effective and efficient devices. Given current procurement agreements, each additional million dollars would allow OHA to purchase and distribute approximately 2500 devices with replacement filters.

Higher Education Coordination Commission (HECC) - SECTION 22.

(2) The Oregon Conservation Corps Advisory Committee is established within the Higher Education Coordinating Commission for the purpose of managing the Oregon Conservation Corps Program.

*(7) The committee shall administer a grant process that: **(b) Defines and uses an equity lens in awarding grants by identifying and supporting populations with greater vulnerability including communities of color, indigenous communities, communities with members who have limited proficiency in English and communities with lower-income members.***

Implementation Status:

The HECC is advertising and reviewing Oregon Conservation Corps grants utilizing the [HECC Equity Lens](#), which satisfies the SB 762 equity language requirements. The equity lens is a cornerstone to the State's approach to postsecondary education and training policy and funding, with a focus on Oregonians who are currently and historically underserved in access to and success in postsecondary education and training. The Equity Lens is used to assess how current and proposed policies, programs and practices benefit and/or burden underserved learners and communities; make intentional equity-informed decisions, actions, targeted interventions, investments and enact systemic change; strengthen public involvement; clearly articulate HECC's shared goals of an equitable education system; and create clear accountability structures.

Areas of Improvement:

Expanding the equity conversations and collaboration between the four agencies who are specifically called out to apply an equity lens and/or support vulnerable populations to all areas of SB-762 would help increase awareness of Oregon's DEI action plan and racial equity vision.

SECTION 22 of the bill states: "(1) As used in this section, "eligible organization" includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training." While "includes" implies that other organizations can apply, the language could be amended to specifically call out Federally Recognized Tribes as eligible organizations.

INTERVIEW FINDINGS (Assessment written by Dr. Emily Jane Davis and Caitlyn Reilley)

We interviewed legislative support entities involved in the creation of SB 762 and representatives of agencies responsible for implementation of the four components of this bill that address equity and vulnerable populations for a total of six interviewees. We used a semi-structured qualitative interview approach which employs a standard set of questions but provides flexibility to explore topics specific to interviewee context. We asked 17 open-ended questions focused on understanding how equity language was developed in the legislative process. Interviews were recorded, transcribed, and then analyzed using NVivo qualitative analysis software and a staged analysis process. First, we identified key nodes in the creation and implementation of SB 762 equity-related activities, which consisted of agencies, actors, and content. We then conducted process tracing (identifying interactions of those nodes to identify narratives, cause and effects, and outcomes), and triangulation across multiple accounts and perspectives. Finally, we presented initial interview findings to the Environmental Equity Subcommittee of the Racial Justice Council for review and feedback before finalizing this report.

Interview findings are reported in a summarized manner to protect participant identity and accommodate confidentiality limitations pertaining to details of the legislative process.

General origins of equity language: Several factors influenced the origin and trajectory of equity and vulnerability language in this bill. These included the Governor’s Council on Wildfire Response, which made recommendations for wildfire risk reduction with inclusion of multiple considerations for vulnerable populations. In addition, prior legislative history related to wildfire (e.g., SB 1515 and SB 1536 which were introduced but not passed in the 2020 session and combining the Senate’s wildfire bill and the Governor’s wildfire bill in 2021) allowed for drafting and review of equity language by different groups at different points in time across several years. Through these processes, multiple entities provided direction or insight including Governor’s staff, state legislators and staff, agencies and their key partners, and Legislative Council (LC) and the Legislative Policy and Research Office (LPRO). Ultimately, SB762 was a much larger omnibus bill compared to antecedents and began as a placeholder with a broad relating clause related to wildfire, leaving the door open to a range of possibilities for focusing on equity and vulnerable populations.

Distinctions among agencies: Each component of SB762 addressing equity and vulnerable populations had a unique origin and process. Two agencies (OHA and HECC) had a longer standing mission and focus specific to these topics that guided their approach in the legislative process. OSFM and ODF had less prior history and experience with explicitly addressing equity and vulnerable populations. Specific key drivers of language and focus for each agency were:

- *ODF/OSU:* Multiple iterations and amendments that moved from prior legislative attempts, guided by partner interest and emphasis on need for spatially explicit identification of vulnerable populations to achieve other components of bill.
- *OSFM:* Antecedent language in SB 1536, agency leadership and interest.
- *OHA:* Agency’s public health mission, Governor’s Council on Wildfire Response recommendations to increase availability of residential smoke filtration, antecedent language in prior SB 1536, and legislator leadership.
- *HECC:* Agency’s existing equity lens and mission, legislator leadership, and prior SB 1515 including a wildfire corps component.

Roles and lenses in the lawmaking process related to equity: Interviews also explored general roles in the legislative process and how a cross-cutting theme such as equity is defined and addressed. Definitions are generally determined by the legislative member or agency, and can be specific, broad, or borrowed from existing statute for strategic reasons. The choice of more specific or broad definitions of terms varies by situation, e.g., depending on whether or not the definition is something better handled through a rulemaking process, best defined by agency experts, or potentially too controversial for a bill to pass if included. Non-partisan legislative support entities (LC and LPRO) provide review and guidance on what is already in statute and what may be constitutional or unconstitutional. However, there is no equivalent “equity lens” to review, examine, and potentially align equity provisions across sections of a bill as they are developed; nor is there a subject matter expert in equity available to consult throughout the legislative development process in the same way that there are natural resource, education, or health and human services experts. This highlights the relatively emergent and cross-cutting nature of equity as a focus in policymaking in Oregon.

CASE STUDY CONSIDERATIONS

The state of Oregon’s Diversity Equity and Inclusion Action Plan [DEI Action Plan](#), led by the executive branch, provides all state employees a roadmap to racial equity and belonging. The action plan offers strategic goals and objectives along very tangible implementation strategies to creating more equitable institutions. As identified in Oregon’s DEI Action Plan, the Racial Equity Toolkit - An Opportunity to Operationalize Equity published by the Government Alliance on Race and Equity [GARE - Racial Equity Toolkit](#) is one of the many resources available to guide agency implementation. In collaboration with the executive branch’s efforts on equity, the Oregon state legislature established the Racial Justice Council [Racial Justice Council](#) (HB 2167 - 2021 regular session; [HB2167 \(oregonlegislature.gov\)](#)) and advanced the Environmental Justice Council [Environmental Justice Council](#) (HB 4077 - 2022 regular session: [HB4077 \(oregonlegislature.gov\)](#)). These councils, action plans, and toolkits have provided the foundations in which this report is written.

Studying the equity language in SB762 and its implementation outcomes offers insights to evaluating the State’s progress on operationalizing equity in governments’ institutions. Below are a few considerations to further Oregon’s journey towards developing more equitable outcomes for all people of Oregon, as new Oregon laws and programs are established:

Consideration 1:

Specific agency recommendations are identified above under “areas for improvement”. Some of these recommendations are very specific; however, all speak to a general interest to elevate sophistication in the equity space, for both agencies and lawmakers, to ensure legislative intent is most effectively achieved.

Consideration 2:

Where intended, evolve and adopt consistent language across SB 762 wildfire programs that prioritizes equity and support to social and economically vulnerable communities and populations. Supporting this effort falls within the duties of the Wildfire Programs Director to recommend advancements to SB 762.

Consideration 3:

Multiple programs are being developed across agencies that require statewide equity and vulnerable population geospatial data. For example, geospatial equity data development is required in HB 4077 (2022). A comprehensive review and cataloging of these statewide data sets could be initiated to avoid redundancies and apply lessons learned from the development and utilization of these data sets.

Consideration 4:

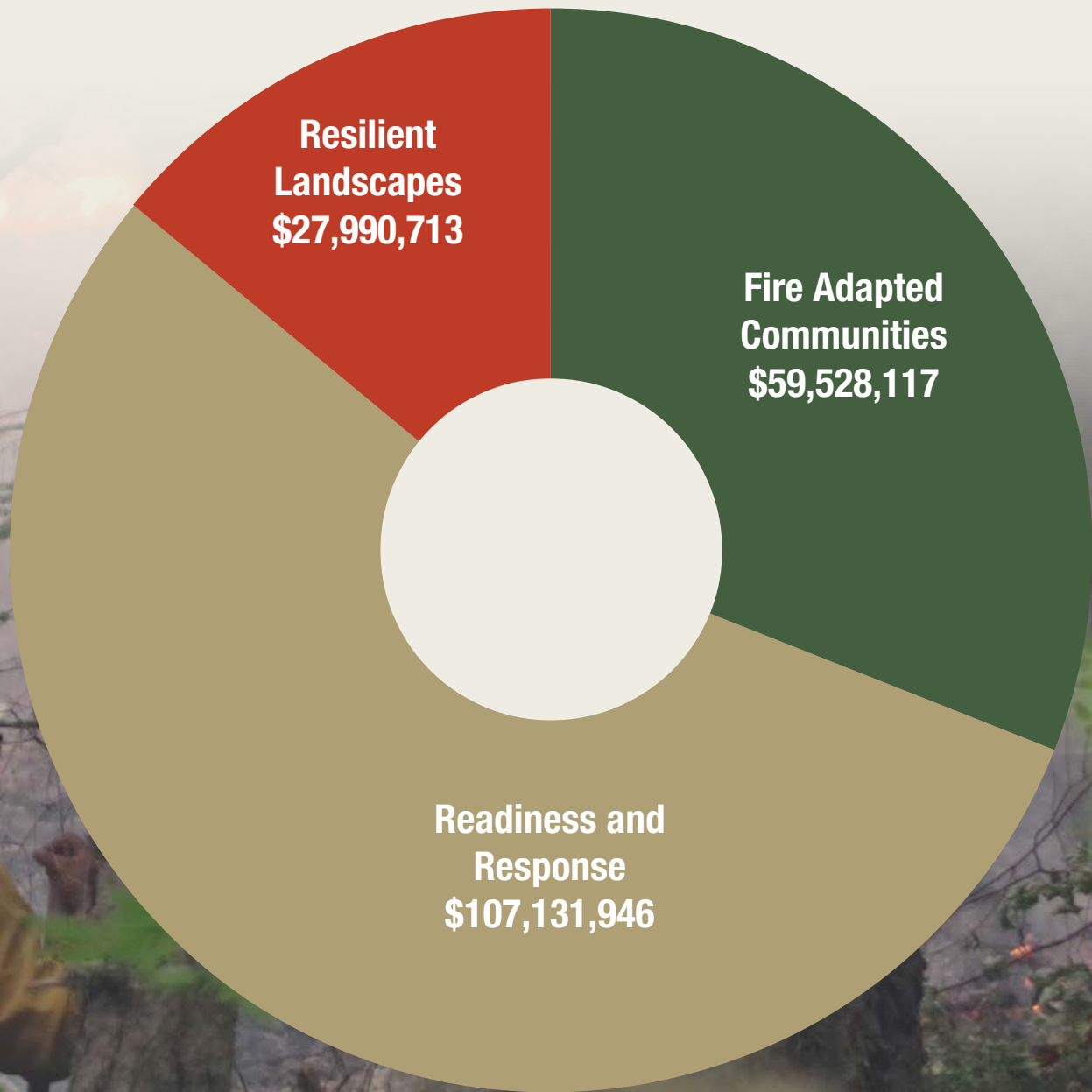
There is no equivalent “equity review” and alignment of equity provisions across sections of bills as they are developed; nor is there a subject matter expert in equity available to consult throughout the legislative development process in the same way that there are in other disciplines such as natural resources, education, or health and human services. This highlights the relatively emergent and cross-cutting nature of equity as a focus in policymaking in Oregon.

Resources to increase the alignment and intended outcomes of legislative efforts to support equity and vulnerable populations could include, for example, addition of legislative support expertise on these topics and crosscutting “equity reviews.” However, such resources would need to consider the non-partisan, non-directive role of legislative support entities; as well as the reasons why varying equity and vulnerability definitions and goals may be desired across agencies and partner communities.

Appendix II

SB 762 Investment Distribution (\$195 Million)

National Cohesive Wildfire Strategy - Tenants



Appendix III

Section by Section Summary

Senate Bill 762-Enrolled: Wildfire Omnibus Bill

ELECTRIC SYSTEM PLANS (Sections 1-6)

- Requires the Public Utility Commission (PUC) to periodically convene workshops for electric utilities and system operators to share information related to wildfire best practices, to adopt risk reduction standards by rule, and to evaluate and approve Public Utility plans that meet specified requirements.
- Requires public utilities to create, and operate in compliance with, a PUC-approved wildfire protection plan. First plan must be submitted by December 31, 2021.
- Requires consumer-owned utilities to create, and operate in compliance with, a governing body-approved wildfire mitigation plan. First plan must be submitted by June 30, 2022.

STATEWIDE MAP OF WILDFIRE RISK (Section 7)

- Requires ODF to oversee, and OSU to execute, the development and maintenance of a comprehensive statewide map of wildfire risk that includes wildland urban interface boundaries and wildfire risk classes by **June 30, 2022**.
- Requires that ODF, in consultation with OSU, establish five statewide wildfire risk classes of extreme, high, moderate, low, and no risk.
- Requires the Oregon Board of Forestry (Board) to adopt rules that provide opportunities for public input and appeal on assignment of properties to wildfire risk classes.
- Requires OSU to collaborate with ODF, OSFM, other state agencies, local governments, Tribes, other public bodies, and other information sources to create the map.
- Requires that the map be made publicly accessible and requires OSU to provide technical assistance to state and local governments and to landowners to use the

map and associated Oregon Wildfire Risk Explorer platform.

- Requires the final map be used to inform policy actions and programs as detailed in the Act.

DEFENSIBLE SPACE (Sections 8-10)

- Defines 'defensible space' as a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared, or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.
- Requires OSFM to establish minimum defensible space requirements for wildfire risk reduction on lands located within the wildland urban interface (WUI) on the statewide map by **December 31, 2022**.
- Requires OSFM to establish defensible space requirements that are consistent with the International Wildland-Urban Interface Code and to consult with the Oregon Fire Code Advisory Board in establishing Oregon-specific requirements. Allows local governments to adopt more stringent defensible space requirements.
- Authorizes either OSFM or a local government to administer and enforce the minimum defensible space requirements, and allows OSFM to provide financial, administrative, technical, or other assistance to local governments for administration and enforcement.
- Directs OSFM to administer a community risk reduction program that emphasizes wildfire risk education and prevention methods, defensible space enforcement, response planning, and community preparedness for wildfire. Establishes the Community Risk Reduction Fund to carry out the program.

LAND USE (Section 11)

- Requires DLCDC to identify needed updates to the statewide land use planning program, local comprehensive plans, and zoning codes to incorporate the wildfire risk map and to minimize wildfire risk by **October 1, 2022**.

BUILDING CODES (Section 12)

- Requires DCBS to adopt R327 wildfire hazard mitigation building code standards for new dwellings and dwelling accessory structures in extreme and high wildfire risk classes by **October 1, 2022**, to be operative no earlier than **April 1, 2023**.
- Requires DCBS to amend section R327 to include standards for additions to existing dwellings and dwelling accessory structures and for replacement of certain existing exterior materials by **October 1, 2022**, to be operative no earlier than **April 1, 2023**.
- Requires DCBS in collaboration with OSU to develop and maintain a free, publicly accessible interactive mapping tool that displays R327 wildfire hazard mitigation standards at the property level and is designed to support future inclusion of snow load, seismic, and wind building code standards. This tool must be established no more than 60 days following the completion of the wildfire risk map, identified in section seven, or no later than **August 31, 2022**.



HEALTH SYSTEMS FOR SMOKE (Sections 13-15)

- Requires DEQ to establish a program to support communities in detecting, preparing for, communicating, or mitigating the environmental and public health impacts of wildfire smoke.
- Requires DEQ to monitor, interpret, and communicate air quality data.
- Requires ODHS, in consultation and coordination with OHA, to establish and implement a local government clean air shelter grant program. Establishes ODHS as the lead state agency for clean air shelter operations and shall report on grant program development by **June 30, 2023**.
- Requires OHA to establish a smoke filtration system grant program to increase the availability of residential smoke filtration systems among persons vulnerable to the health effects of smoke who reside in areas susceptible to wildfire smoke.

EMERGENCY RESPONSE & DISASTER RECOVERY (Sections 16-17)

- Adds 'wildfire' to state definition of 'emergency.'
- Requires OEM to update its statewide emergency plan to prepare for or respond to wildfire emergencies on an area-wide or statewide basis, including wildfire risk mitigation efforts and evacuations, by **December 31, 2021**.
- Requires OEM to coordinate with cities, counties, and other specified entities to ensure local efforts align with the statewide plan, and to provide training and community education.

WILDFIRE RISK REDUCTION PROGRAM (Sections 18-20)

- Requires ODF to design and implement a treatment program to reduce wildfire risk on public or private forestlands and rangelands, and in communities near homes and critical infrastructure, through restoration of landscape resiliency and reduction of hazardous fuels.
- Requires ODF to consult and cooperate with OSU Extension, state and federal agencies, counties, cities, other units of local government, Tribes, public and private forestland and rangeland owners, forest collaboratives, and other relevant community organizations to select projects for treatment.
- Establishes criteria for project selection and design.
- Prohibits commercial thinning on specified protected lands.
- Requires ODF to develop a 20-year strategic plan that prioritizes restoration actions and geographies.
- Requires ODF to report regarding the status of the program development and implementation by **January 15, 2022**, and again upon completion of projects by **June 30, 2023**.

OREGON CONSERVATION CORPS (Sections 21-23)

- Establishes the Oregon Conservation Corps Program to reduce wildfire risk to communities and critical infrastructure, to help create fire-adapted communities, and to engage youth and young adults in workforce training.
- Establishes the Oregon Conservation Corps Advisory Committee within the HECC to administer the program grant process and to engage private sector funding.
- Establishes grant process requirements and priorities.
- Establishes the Oregon Conservation Corps Fund to be used primarily for program grants.

SMALL FORESTLAND GRANT PROGRAM (Section 24)

- Directs ODF to establish a small forestland grant program for the purpose of providing grants, on a competitive basis, to support small forestland owners of one to 160 acres west of the Cascades, and one to 640 acres east of the Cascades, in reducing wildfire risk through the restoration of landscape resiliency and reduction of hazardous fuels on their property. Requires ODF to set criteria for assessing grant applications and awarding grants.

PRESCRIBED FIRE (Sections 25-27)

- Requires ODF to establish by rule a Certified Burn Manager Program. Requires ODF to consult with the Oregon Prescribed Fire Council concerning best practices for conducting the program, initiate rulemaking to establish the program, and provide a progress report to the Legislative Assembly by **December 1, 2021**.
- Allows a person to conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit, complies with its conditions, and obtains consent from relevant landowners. Requires related ODF rulemaking to be initiated by November 30, 2021 and completed by November 30, 2022.

FEDERAL PARTNERSHIPS (Section 27a)

- Requires ODF to cooperate with federal agencies to increase the effectiveness of federal forest management programs, agreements, and activities.

PROTECTED AREAS (Sections 28-29)

- Requires the State Forester in collaboration with OSFM, state agencies, and local governments, to adopt rules establishing baseline levels of wildfire protection, that reflect regional conditions, for lands outside of forest protection districts that are susceptible to wildfire.
- Authorizes the State Forester to provide financial assistance to counties to assist landowners with forming or modifying wildfire protection jurisdictions to ensure adequate protection, and to develop wildfire protection facilities, equipment, training, and other resources.

- Requires counties to ensure all applicable lands within the county have baseline level or higher wildfire protection by **January 1, 2026**.

WILDFIRE RESPONSE CAPACITY (Section 30)

- Requires ODF to establish and maintain an expanded system of automated smoke detection cameras and associated staff.
- Requires ODF to consult and coordinate with OSFM, other state and federal agencies, local fire defense board chiefs, and private stakeholders, to determine the adequacy of state, federal, and private wildfire response capacity, and adequacy of available mutual aid to provide wildfire response on WUI lands.
- Requires OSFM and ODF to increase their wildfire readiness and response capacities.

WILDLAND URBAN INTERFACE (WUI) FIRE PROTECTION (Sections 31-34)

- Requires the Board of Forestry to establish a definition of ‘wildland urban interface’ (WUI) and criteria by which the WUI shall be identified and classified.
- Repeals and harmonizes existing statutes to ensure consistency with new processes for WUI designation.

STATE WILDFIRE PROGRAMS DIRECTOR (Section 35)

- Establishes a Governor-appointed State Wildfire Programs Director to oversee implementation of this Act, including ensuring program coordination and compliance with deadlines, assessing financial impacts, supervising staffing of the Wildfire Programs Advisory Council, reporting regularly to the Governor and legislature, and exploring opportunities to further reduce wildfire risk in Oregon.

WILDFIRE PROGRAMS ADVISORY COUNCIL (Sections 36-39)

- Establishes a Wildfire Programs Advisory Council to advise and assist the Director by closely monitoring implementation of this Act, providing advice on potential changes to activities to meet goals, strengthening intergovernmental and multiparty collaboration, developing strategies to enhance collaboration among governmental bodies and the public, assessing ways the statewide map could inform development of building codes and land use laws, rules, and decisions in a regionally appropriate manner, assessing application of defensible space requirements to vineyards, crops, and other cultivated vegetation, and reviewing DLCD findings and recommendation related to land use and the minimization of wildfire risk.
- Requires the President of the Senate and Speaker of the House to jointly appoint 19 members to the Council from a specified list of representative entities and requires the presiding officers consult in good faith with legislative minority leaders. Specifies terms of service and other formative parameters.
- Requires DCBS, DLCD, OSFM, ODF, and the OSU Extension Service to cooperatively staff the Council. Requires Council to submit annual reports beginning **October 2022**.

CONFORMING AMENDMENTS (Sections 40-43)

- Provides conforming amendments.

APPROPRIATIONS (Sections 44-64)

- Provides for General Fund appropriations and increases in expenditure limits to fund duties and programs required by the Act.



CAPTIONS (Section 65)

- States purpose of captions.

















EMERGENCY CLAUSE (Section 66)

- Declares emergency, effective on passage.



SB 762: Implementation Timeline

 Action deadline  Report due to Legislature, Director, Council







FIRE-ADAPTED COMMUNITIES

2021						2022						2023												
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
MAP: ODF to establish WUI definition & risk classes rulemaking and OSU to create map																								
100 days: WUI Defined 						 Dec 31: ODF progress report						 June 30: Statewide map complete												
COMMUNITY RISK REDUCTION: OSFM Wildfire education, prevention, preparedness (& defensible space enforcement beginning Jan 2023)																								
						 Jan: OSFM biennial report						 Aug: OSFM biennial report						 Jan: OSFM biennial report						
DEFENSIBLE SPACE: OSFM to modernize standards																								
												 Dec 31: Minimum standards established & enforced												
BUILDING CODES: DCBS R327 code updates																								
												 Oct 1: R327 code adoption & Map						 April 1: R327 code operative						
LAND USE: DLCD to update program																								
												  Oct 1: DLCD complete program update and report												
UTILITIES: PUC offers workshops to share best practices for wildfire risk reduction; PUC standards established by rule; and electric utility risk-based wildfire plans created & implemented																								
												 Dec 31: Public Utilities submit plan						 June 1: Consumer-Owned submit plan						
WILDFIRE EMERGENCY PREPAREDNESS: OEM regional coordinators work with cities, counties, and others to ensure alignment with statewide plan and provide training																								
												 Dec 31: Update statewide emergency plan to include wildfire												
COMMUNITY SMOKE RESPONSE PLANS: DEQ establishes a program to assist in developing community response plans to mitigate smoke																								
AIR QUALITY MONITORING ENHANCEMENT: DEQ community outreach, and deployment of air quality monitoring equipment																								
CLEAN AIR SHELTER GRANT PROGRAM: ODHS to establish grant program to establish clean air shelters with advanced air filtration systems in public buildings																								
																		 June 30: Update on grant program						
SMOKE FILTRATION SYSTEM GRANT PROGRAM: OHA to establish grant program to increase availability of residential smoke filtration devices for vulnerable populations.																								
																		 June 30: Periodically report on grant program						



SB 762-A: Implementation Timeline Continued

 Action deadline  Report due to Legislature, Director, Council












RESILIENT LANDSCAPES

2021						2022						2023												
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
WILDFIRE RISK REDUCTION PROGRAM: ODF to implement fuel reduction projects to restore landscape resiliency across public and private lands. Develop a 20-year plan.																								
 Jan 15: ODF progress report												  June 30: Complete projects & July 15: Final Report												
WILDFIRE WORKFORCE CORPS: HECC to set up Advisory Committee and grants program for fuel treatments and wildfire risk reduction in home ignition zones.																								
												 June 30: Biennial report												
SMALL WOODLAND GRANT PROGRAM: ODF grant program to reduce wildfire risk by restoring landscape resiliency																								
FACILITATING EASIER ACCESS TO PRESCRIBED FIRE: Establish Prescribed Burn Manager Program to mitigate wildfire risk																								
 Dec 1: Board of Forestry report & initiate rulemaking												 Nov 30: Complete rulemaking												

RESPONSE

2021						2022						2023												
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
ENHANCED WILDFIRE READINESS & RESPONSE CAPACITY: ODF and OSFM fire suppression, coordination, and response (personnel, equipment, training, etc.)																								
BASELINE FIRE PROTECTION LEVELS: Rulemaking to establish baseline protection levels for all lands susceptible to wildfire (jurisdiction formation, facilities, equipment, training, etc.)																								
																						 Jan 2026: Baseline levels fully reestablished 		

OVERSIGHT

2021						2022						2023																																																					
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July																																									
STATE WILDFIRE PROGRAMS DIRECTOR: Implementation oversight of this 2021 Act and investigate opportunities for further risk reduction																																																																	
						 Bimonthly report																																																											
WILDFIRE PROGRAMS ADVISORY COUNCIL: Advise and assist the Director by closely monitoring implementation and recommending changes to further reduce risk																																																																	
												 Oct: Annual Council report																																																					

Appendix IV

Wildfire Programs Advisory Council

Appointed - September 1, 2021

Term Appointments as per: SB 762 Section 36 (4), (7) & Section 38

- (a) 3-year term: Member representing County Government
Commissioner Mark Bennett (Baker)
- (b) 4-year term: Member who is a land use planning director for a wildland-urban interface county
Joshua Shaklee (Douglas County)
- (c) 3-year term: Member representing City Government
Jim McCauley (League of Oregon Cities)
- (d) 4-year term: Member who is a land use planning director for a wildland-urban interface city
Bradley Clark (Grants Pass)
- (e) 3-year term: Member who represents fire chiefs with wildland-urban interface firefighting experience
Nick Browne (Clackamas/Canby)
- (f) 4-year term: Member who represents fire marshals with wildland-urban interface firefighting experience
Chase Browning (Medford)
- (g) 3-year term: Member who represents firefighters with wildland-urban interface firefighting experience
Ian Yocum (Dayton)
- (h) 4-year term: Member who represents rural residential property owners whose property is wholly or partially within the wildland-urban interface
Dave Hunnicutt (Hillsboro)
- (i) 3-year term: Member who represents farmers whose land is wholly or partially within the wildland-urban interface
Samantha Bayer (Eagle Point)
- (j) 4-year term: Member who represents ranchers whose land is wholly or partially within the wildland-urban interface
John O’Keeffe (Adel)
- (k) 3-year term: Member who represents forestland owners whose property is wholly or partially within the wildland-urban interface
Carol Whipple (Elkton)
- (l) 4-year term: Member who represents federally recognized Indian Tribes with land wholly or partially within the wildland-urban interface
Steve Rondeau (Klamath Tribe)
- (m) 3-year term: Member who represents a utility company
Allen Berreth (Portland)
- (n) 4-year term: Member who represents environmental interests
Susan Jane Brown (John Day)
- (o) 3-year term: Member who represents forest resiliency interests
Amelia Porterfield (Portland)
- (p) 4-year term: Member who represents state or regional land use planning organizations
Mary Kyle McCurdy (Portland)
- (q) 3-year term: Member who represents land and housing development interests or real estate industry interests
Karna Gustafson (Bend)
- (r) 4-year term: Member who represents public health professionals
Tamarah Cline (Umatilla)
- (s) 3-year term: Member who represents the environmental justice community
Alessandra de la Torre (Phoenix)

Thank you

The Wildfire Programs Director's Report is made possible by the dogged leadership of Oregonians across the state, the Legislature, and the Governor's office, working together to address the rising risk of catastrophic wildfire in Oregon.

“We cannot solve our problems with the same thinking we used when we created them.”

Albert Einstein

The passage of SB 762 represents new thinking by Oregonians to address our wildfire challenges. Many thanks to the community leaders and champions who have made this possible.



Governor Kate Brown
Wildfire Program

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