

Work Plan:	Senate Bill 762 Implementation
Version:	2022 – 2024 Final
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## OVERVIEW

### Purpose and Objective

The Oregon Board of Forestry directed the department to prepare a work plan focused on the implementation of Senate Bill 762. The bill brings new responsibilities to both the board and the department. Ongoing reporting will be crucial to ensuring the successful implementation of bill requirements for the board and across department divisions. Primary responsibility lies with department divisions and their division work plans acknowledge work brought by Senate Bill 762. Detailed work items for the board and department are collected here in this central work plan for implementation of Senate Bill 762.

### Current Issues

In January 2019, the Governor issued Executive Order 19–01 creating the Governor’s Council on Wildfire Response. The council completed its work during the fall of 2019 and offered 37 recommendations to advance fire protection in Oregon. These recommendations were carried to preceding legislative assemblies and culminated in the passage of Senate Bill 762 by the 2021 Legislature.

Senate Bill 762, referred to as the “Omnibus wildfire bill,” is comprehensive legislation passed with bipartisan support that will provide more than \$220 million to help Oregon modernize and improve wildfire preparedness through three key strategies: creating fire-adapted communities, developing safe and effective responses, and increasing the resiliency of Oregon’s landscapes. The bill is the product of years of hard work by the Governor’s Wildfire Council, the Legislature, and state agencies.

The legislation provides direction and investment to many state agencies. For the Board of Forestry and the Department of Forestry the bill, among other things, provides legislative direction regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire; directed the department to review and clarify the enforcement of rules pertaining to forestland; baseline standards for unprotected and under-protected lands in Oregon; and establishes grant programs to improve forestland and rangeland restoration and resiliency.

Implementation of Senate Bill 762 requires numerous board actions for 2022–24, including defining wildland-urban interface boundary criteria, statewide wildfire risk classes, creating the state’s wildfire risk map, establishing a certified burn manager program, and establishing baseline standards of wildfire protection.

The department is committed to informing the board of the department’s work. This plan outlines the work of the board and informational items for the department to keep the board apprised of the department’s actions related to the implementation of Senate Bill 762.

#### **TOPICS FOR THE BOARD OF FORESTRY 2022-2024**

1. Senate Bill 762 Implementation—Fire Protection (sections 3,7, 25, 27, 28, 30, 30a)
2. Senate Bill 762 Implementation—Forest Resources (sections 18–20, 24)
3. Senate Bill 762 Implementation—Planning Branch (section 18)

## **Senate Bill 762 Implementation—Fire Protection**

### Overview

Senate Bill 762 requires the board to pass a series of administrative rules to provide the public and other state agencies guidance on the regulatory framework provided for reducing wildfire risk and increasing fire protection on public and private forestland and rangelands. The guidance provided through these rules have downstream affects for regulations that must be passed by other agencies such as defensible space requirements and building code changes.

The rules required to be passed by the board and the deadlines for their completion are prescribed by Senate Bill 762.

### Purpose

The work plan’s purpose is to establish the process and timelines to promulgate administrative rules according to the Administrative Procedures Act, the Secretary of State’s guidance on public involvement in writing administrative rules, and meeting the statutory deadlines required in Senate Bill 762.

### Board Deliverables with Timelines

Explicit deliverables and timelines established in Senate Bill 762 for Protection Division include:

- Wildland-urban interface identification and criteria—Sections 31–33, deadline June 30, 2022.
- Establish risk classifications and statewide map including wildland-urban interface boundaries—Section 7, deadline June 30, 2022.
- Enforcement rule clarification regarding conducting joint prescribed burns—Section 25, deadline November 30, 2022.
- Establish Certified Burn Manager Program—Section 26.
- Base-line protection standards—Section 28, deadline January 2026.

*Awareness Item Only:* In addition to the Board deliverables and timelines above, Senate Bill 762 directs the department (Protection Division) to take the following actions:

- Electric Systems Plans—Section 6: Evaluate consumer-owned utility risk-based wildfire protection plans starting June 30, 2022.
- Wildfire Response Capacity—Section 30: Establish and maintain an expanded smoke detection system necessary to detect, locate and extinguish fires at the smallest size possible.
- Wildfire Response Capacity—Section 30a: Maintain Oregon’s complete and coordinated fire protection system to ensure an adequate level of protection as described in ORS 477.062.

Outreach and Public Involvement

Each of the board deliverables for rulemaking in the Protection division involves using a rulemaking advisory committee that includes a diverse group representing Oregonians. All meetings receive adequate public notice, are accessible to the public, and have dedicated public comment periods. Promulgation of Oregon Administrative Rules adheres to the Administrative Procedures Act (APA) outlined in Oregon Revised Statutes Chapter 183. With the department engaging in a multifaceted rulemaking effort, timelines may change to ensure the Legislative outlined deadlines are met.

## **Senate Bill 762 Implementation—Forest Resources**

### Overview

Provisions of Senate Bill 762 require the Forest Resources Division to implement two programs to restore resiliency of public and private forestlands and rangelands by implementing the following programmatic elements:

- *The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure. (\$20 million investment)*
- *The State Forestry Department shall establish a small forestland grant program for the purpose of providing grants, on a competitive basis, to support small forestland owners in reducing wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuels on the owners' property. (\$5 million investment)*

At present, there are no decision points planned for the Board, but staff will provide informational updates—especially around the design and implementation of the program to reduce wildfire risk and small forestland grant program—and seek feedback.

### Purpose

The purpose of this work plan is to establish the frequency and substance of updates provided to the Board on the department's progress in implementing the program elements required of the Forest Resources Division in Senate Bill 762.

### Board Deliverables with Timelines

There are no specific Board deliverables or actions necessary for the Forest Resources Division to complete its required work under Senate Bill 762. However, with other department divisions' work requiring board actions, and the high visibility of the bill's implementation work, the Forest Resources Division will provide information updates on progress in implementing programmatic elements of Senate Bill 762.

### Outreach and Public Involvement

Development of the Landscape Resiliency Program will include convening a workgroup of diverse stakeholders including state and federal agencies, counties, cities, and other units of local government, federally recognized tribes in Oregon, public and private forestland and rangeland owners and collaboratives, and other community organizations. Meetings of the workgroup will be accessible to the public, adequate public notice will be provided, and public input will be sought when selecting strategic landscapes for treatment.

Development of the small forestland program will solicit public input and direct outreach towards small forestland owners, community groups, and Firewise USA communities.

## **Senate Bill 762 Implementation—Planning Branch**

### Overview

Senate Bill 762 requires the Planning Branch to implement a 20-year strategic plan:

*The department shall develop a 20-year strategic plan, as described in the Shared Stewardship Agreement signed on August 13, 2019, that prioritizes restoration actions and geographies for wildfire risk reduction. The plan must be able to be used to direct federal, state and private investments in a tangible way.*

At present, there are no decision points planned for the Board, but staff will provide informational updates and seek feedback on development of the 20-year strategic plan.

### Purpose

The purpose of this work plan is to establish the frequency and substance of updates provided to the board on the department’s progress in implementing the program elements required of the Planning Branch in Senate Bill 762.

### Board Deliverables with Timelines

There are no specific Board deliverables or actions necessary for the Planning Branch to complete its required work under Senate Bill 762. However, with other department divisions’ work requiring Board actions, and the high visibility of the bill’s implementation work, the Planning Branch will provide information updates on progress in developing the 20-year strategic plan.

### Outreach and Public Involvement

Development of the 20-year strategic plan will be a highly collaborative process convening a variety of stakeholders and seeking input from ODF staff. Further updates on public outreach will be provided in the first update to the Board.

Board of Forestry Work Plan || 2022–2024 || Senate Bill 762 Implementation

Senate Bill 762 Implementation Work Plan	2022							2023							2024	
	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar	Apr	Jun	Jul	Sep	Nov	Jan	Mar
<b>SB 762—Fire Protection (sections 3, 7, 25, 27, 28, 30, 30a)</b>																
<i>Milestones</i>																
❖ WUI definition and boundary criteria		d		D												
❖ Wildfire risk classification		d		D												
❖ Enforcement rule clarification	d		D													
❖ Certified Burn Manager/Prescribed Fire program					d		D									
❖ Base-line fire protection standards					d											D
<b>SB 762—Forest Resources updates (sections 18–20, 24)</b>																
<i>Milestones</i>																
❖ Landscape Resiliency		i						i								
❖ Small Forestland Grants		i						i								
<b>SB 762—Planning Branch (section 18)</b>																
<i>Milestones</i>																
❖ 20-year strategic plan					i											

**Matrix Key:**  
**TBD** – To be determined  
**i** – Informational item  
**d** – Preceding Decision item  
**D** – Final Decision item