EMERGENCY FIRE COST COMMITTEE

January 3, 2023

In accordance with the provisions of ORS 477.455, a meeting of the Emergency Fire Cost Committee (EFCC) was held in the Tillamook Room of the Oregon Department of Forestry Headquarters in Salem and via Zoom Video Conferencing on Tuesday, January 3, 2023.

Committee Members Present

Brennan Garrelts, Chair – in person Steve Cafferata – via Zoom Chris Johnson – via Zoom Erik Lease – via Zoom

Others Present (in person)

Nancy Hirsch, EFCC Administrator Lorna Hobbs, EFCC Finance Coordinator Chrystal Bader, Executive Support, Oregon Department of Forestry (ODF) Jenn Kroon, Administrative Support, ODF Cal Mukumoto, State Forester Kyle Abraham, Deputy State Forester James Short, Assistant Deputy Director for Administration, ODF Mike Shaw, Interim Chief of Fire Protection, ODF Levi Hopkins, Policy & Planning Unit Manager, Fire Protection, ODF Neal Miller, Fire Cost Recovery Specialist, ODF Stacey Chase, Finance Manager, ODF Kyle Williams, Director of Forest Protection, Oregon Forests & Industries Council (OF&IC) Cindy Robert, Hancock Forest Management

Others Present (via Zoom)

Kim Titus, Fire Finance, ODF Sherry Brennan, Fire Finance, ODF Michael Curran, West Oregon District Forester, ODF Dave Larson, Southern Oregon Area Director, ODF Brian Pew, Eastern Oregon Area Director Justin Hallett, Assistant to EOA Area Director, ODF Ron Graham, Deputy Chief, Operations, Fire Protection, ODF Lindsay Cunningham, Willis Towers Watson Eric Kranzush, Giustina Todd Scharff, DAS Risk Management Sione Filimoehala, CFO Analyst, DAS **KOIN Assignment Editor** Randy Hereford, Starker Forests Leigh Johnson Kylie Grunow Tyler McCarty, SWO District Forester, ODF Karl Mielke, Finance Unit, ODF Dennis Lee, KLD District Forester, ODF Dan Goody, Astoria District Forester, ODF Matt Howard, NEO District Forester, ODF Peggy Lynch, League of Women Voters Brooke Brownlee, PGE S. Carver Kate Skinner, Tillamook District Forester, ODF Jessica Prakke, Public Affairs, ODF Jerilee Johnson, Area Accountant, ODF

ITEM 1: CALL TO ORDER, CHAIR COMMENTS AND INTRODUCTIONS

Chair Garrelts called the meeting to order at 10:00 a.m. on Tuesday, January 3, 2023. Chair Garrelts was present in the room, all other committee members were present via Zoom video conference, and there was a quorum.

Chair Garrelts welcomed Chris Johnson back to the committee after his reappointment at the September 2022 Board of Forestry meeting.

ITEM 2: APPROVAL OF THE MINUTES OF THE SEPTEMBER 6, 2022 EFCC MEETING AND THE SEPTEMBER 29, 2022 EFCC SPECIAL MEETING [Decision Item]

No comments were made by committee members or attendees on either the September 6, 2022 Emergency Fire Cost Committee meeting minutes or the September 29, 2022 Emergency Fire Cost Committee Special meeting minutes. A motion for approval was made by Erik Lease and seconded by Chris Johnson. The minutes of the Emergency Fire Cost Committee September 6, 2022 meeting and the September 29, 2022 Special meeting were unanimously approved.

ITEM 3: FINANCIAL STATUS OF THE OREGON FOREST LAND PROTECTION FUND [Information Item]

The committee reviewed the financial status of the Oregon Forest Land Protection Fund (OFLPF) for FY23 beginning July 1, 2022 through November 30, 2022. The beginning balance of the fund on July 1, 2022 was **\$10,955,583**.

On the report, under Estimated Revenue/Transfers In:

The acreage for assessment revenues have been updated for fiscal year 2023, which is an increase of \$175,618 since the last report in September 2022.

- <u>Item #1</u>: As of November 30, 2022, \$302,659 of the estimated \$9.2M in assessment revenue has been received. A large portion
 of assessment revenue was received in December and will be reflected on the next report.
- Item #2: Harvest Tax revenues for the current fiscal year are estimated at \$2,178,594 with just over \$1M already received to date.
- Item #3: Estimated interest earned for FY23 is \$236,934. Since the September EFCC meeting, the interest rate increased five times rising from 1.40% in July, to 2.85% in November 2022. Interest earned as of November 30, 2022 totals \$82,237.
- Item #4 & #5: Show a result of prior fiscal year reconciliations where the Oregon Forestland Protection Fund overpaid its contribution for fiscal year 2015 and severity costs for fiscal years 2014 and 2015. The total amount returned to the fund is \$1,543,037.
- <u>Item #6</u>: As previously reported, and adjustment of \$12,943 was made in July for overpayment of FY21 operating expenses.

The estimated total for revenue for fiscal year 2023 is just over **\$13M** with **\$2.9M** received as of November 30, 2022.

On the report under Expenditures/Transfers Out:

There is no change from the last report in September 2022.

- Item #1: Payroll and operating expenses for fiscal year 2023 are estimated at \$185,000.
- <u>Item #2</u>: The Fund's contribution to the insurance premium for fire season 2022 was **\$410,000**. This was a prior fiscal year expenditure.
- <u>Item #3</u>: The Fund's contribution to the insurance premium for fire season 2023 is still estimated at **\$315,000**.
- Item #4: The Fund's contribution to severity costs for the 2022 fire season was \$3,000,000.

For the 2022 fire season draft claims, the current estimated net claim total for fiscal year 2023 claims is \$17.2M.

Additional transfers were made in support of the 2022 fire season for large fire suppression. Those transfers were:

- A total of **\$819,135** advanced to Coos Forest Protective Association.
- A transfer in the amount of **\$7,685,260** to cover the Fund's portion of large fire costs. This amount was based on the final cost estimate that was distributed in October, less the amount advanced to CFPA.

These transfers total \$8,504,395. Of the estimated \$10M, there is \$1,495,605 remaining in the Fund for FY23 emergency fire costs.

Actual expenditures as of November 30, 2022 total \$11,504,395.

The estimated Fund balance ending November 30, 2023 is \$1,982,767.

The estimated fiscal year 23 ending balance on June 30, 2023 is \$10,638,192.

ITEM 4: INSURANCE MARKET / POLICY UPDATE

Todd Scharff provided an overview of current market conditions and expectations going into the renewal period. He then turned it over to Lindsay Cunningham who showed a PowerPoint presentation with additional detail on current market conditions and the strategy for the insurance policy renewal.

• Insurance market conditions and renewal strategy [Information Item]

Lindsay began by noting how much the program has changed over the years. Some years have had large payouts, but in terms of trade off, this program has been more beneficial and more has been paid out than has been paid in premiums. Historically, based on net firefighting costs, the amount of coverage has dropped and retention moved to align with true costs. Another spike in losses increased retention again. The hope is to stabilize the premium for ODF. She added that insurance premium stability in general has been relatively decent because retention levels have increased to help offset costs.

Market conditions are tough due to the overall combined ratio (where insurance carriers are profitable). Currently, premiums and losses are at 100.6% meaning insurance companies are paying out more than they are taking in. This in turn determines the cost of the premium. Lindsay provided some background on this noting that a couple years ago, the ratio was at 97%, mostly due to Hurricane Ian. When costs to do business were up, net underwriting losses were over \$6 billion during the first half of 2022; and globally, that loss amount was \$116 billion.

Insurance retention capacity is not without extreme risk. Carriers are cutting back on how much they are putting into the marketplace based on recent losses (how much and when).

Todd added there's a lot of up and down with the claim history, but the trend shows (from the insurer's perspective) that the \$75M retention amount makes sense. He also noted that in the past ten years \$33M was paid in premiums and \$66M paid out

in recovery back to the state, including 2022. He emphasized the need to continue to demonstrate to insurers that Oregon is adapting to current conditions.

Lindsay continued her presentation moving to the topic of participants (syndicates) in the policy reminding the committee that most of the syndicate interest comes from the London market as the U.S. market is not a good fit for this policy specifically. This year, coverage is split between multiple syndicates and all have a percentage of the share. Canopius will continue to be the lead underwriter with Toko Marine as the largest syndicate investor. She also noted that the pricing and terms of the policy are set by Derek Hanson (lead underwriter on the policy).

As far as the renewal strategy, a big influence was the January 1 treaty renewals. Reinsurance also played a part in spreading/transferring risk to help avoid catastrophic losses. The January 1 treaty expectations are in and the rate is set for the next 6 months and costs are passed down to insurance buyers. Lindsay added while prices continue to be firmed up, the goal will be to increase premiums to withdraw more from the catastrophic insurance line (tornadoes, wildfires, hurricanes – all major losses) in the range of 5-10% and up to 25%.

Insurance policy for 2023 fire season [Information or Decision Item]

Todd Scharff provided his best estimate for the 2023 policy renewal. He anticipates an increase to the premium by 20-25% as well as changes in participation by Lloyd's syndicates. Looking ahead, the underwriter meetings are scheduled to begin the week of February 20. The final draft of the insurance submittal document is due to Willis Towers Watson on January 13 and will be off to the markets by January 23. Internally to ODF, the submittal document is due January 6 to DAS Risk (Todd). Bi-weekly updates will begin any day now on feedback and/or questions received from interest participants of the program. At that time, expectations can be reset. Lead carriers are expected to produce quotes around March 15 and the renewal proposal presentation is targeted for April 3, 2023 with the hope of binding the policy on April 10, 2023.

In preparation for the underwriter presentations, the first meeting is scheduled for January 18 with a target date of March 15 for seeing what is coming back from the insurers. The brokerage team will be attending the March 7, 2023 EFCC meeting for a status update and then follow-up with quick discussions until the final proposal for EFCC to provide a recommendation to the State Forester on the purchase of the Firefighting Expense policy for 2023.

Erik Lease asked if the premium would again be \$5M. Lindsay said yes, but she is hoping to negotiate that amount. Steve Cafferata noted the premium versus coverage gap. Lindsay explained this as maintaining risk resilience. Steve then asked about the ratio of premium versus the policy limit. Lindsay responded the difference in premiums have varied over the years.

Chair Garrelts summarized Steve's concerns noting increased firefighting expenses and interest rate increases. Steve mentioned removal of BLM from OFLPF and also changes in severity funding – driving net costs down.

Chair Garrelts reminded the committee members that the Emergency Fire Cost Committee's nexus is the Fund's contribution to the premium costs, however, it's ultimately up to the State Forester to make a final decision to purchase the policy or not. He also highlighted that the relationships and successes of Oregon's complete and coordinated system are extremely valuable and it is likely that if this policy is discontinued, the likelihood of obtaining another policy in the future would be slim to none. Chair Garrelts suggested to the committee that they continue to recommend the purchase of the insurance policy into the future.

All committee members voiced their support for a recommendation to the State Forester to continue to pursue purchase of the insurance policy into the future. Erik Lease suggested the need for more information and Steve Cafferata agreed noting the need for the committee to weigh the benefits versus the risks to the General Fund and the Oregon Forestland Protection Fund. Steve added that currently, the retention doesn't impact the OFLPF and the ratio of cost to benefit continues to increase. A motion to support the continuation of work to obtain the firefighting expense insurance policy through Lloyd's of London was made by Erik Lease. Steve Cafferata seconded the motion. All were in favor and none opposed the continuation of ODF's efforts working with Lloyd's of London to obtain an insurance policy for the 2023 fire season. Chair Garrelts reiterated this is NOT a recommendation to the State Forester at this time, it is just a motion to support.

ITEM 5: WEATHER UPDATE [Information Item]

Ron Graham, Deputy Chief of Operations for the Fire Protection Division at ODF, provided a very brief weather update noting continued drought across the state. ODF will watch precipitation accumulation over the remaining winter season with a more comprehensive weather update at the March EFCC meeting.

ITEM 6: UPDATE ON STATUS OF LARGE FIRE COST COLLECTION EFFORTS [Information Item]

Neil Miller, Fire Cost Recovery Specialist at ODF, provided an update on the status of large fire cost collection efforts. Since last fall, the Hugo Road 7251 fire in SWO, Grizzly fire in COD, Lake Creek and Hensley Hill Road fires, both in CFPA, are all new to the list. Negotiations are developing on the Hugo Road case.

For closed claims, Watson Creek fire was settled through mediation with USFS and a private affected landowner for ODF's pro-rata share of insurance policy limits from the responsible party for just under \$1M. The Government Mountain and Marshall's Place fires both occurred in an operation and ODF was able to attain strict liability costs for both. With the closure of these cases, the agency has received monthly payments totaling \$4,961.06 for 48 fires since last September. In all, the total collected for all fires since the last EFCC meeting in September 2022 is \$1,262,664.15.

For significant fire investigations in progress or under DOJ review, the Milo-McIver fire in NCAS last September was added. DFPA's Days Coffee investigation is off the list but remains on hold pending BLM input on cost recovery reconciliation. ODF and DOJ are

nearing negotiations with the responsible party, USFS/BLM, and a number of other affected state agencies regarding the Archie Creek / Star Mountain fires out of DFPA. The North Bank Road fire out of CFPA and the Pike Road fire out of Tillamook both have investigations nearing completion with the hope of seeking demands and/or negotiation discussions with the identified responsible parties by this spring.

ITEM 7: SET DISTRICT DEDUCTIBLE RATES FOR 2023-24 FISCAL YEAR [Decision Item]

Nancy Hirsch, EFCC Administrator, opened this topic by reminding the committee members that this process is required for the Emergency Fire Cost Committee, per the Oregon administrative rules, to review and set district deductible rates each year. The current rates are \$.10 per acre for timber and \$.05 per acre for grazing. There is a statutory maximum acreage deductible of 10% for the current fiscal year budget. The current rates equate to\$1,226,540 statewide. This is 2.4% of the FY23 total statewide fire protection budget. If deductible rates need to be adjusted in the future, EFCC and ODF will work through ODF's Agency Request Budget (ARB). Nancy then provided a recommendation to the committee stating: *Given there are no planned deductible increases allotted to the agency's budget for the upcoming budget cycle (23 – 25 biennium), I recommend the committee make a motion to leave rates at 10 cents/acre for timber and 5 cents/acre for grazing for fiscal year 2024.*

Steve Cafferata asked what the timing and sequence is to possibly increase the rates next year. Nancy replied that ODF planning for the 2023-25 biennium is already completed and their ARB has already been submitted so no changes can be made until the 2025-27 biennium. Work on the ARB for the next biennium will begin soon after the 2023 legislative session ends and ODF's budget is approved by the legislature. Nancy said she would incorporate this topic as a standing agenda item in the fall/winter months of 2023-2025 biennium for the committee members to have a deliberate conversation with ODF on possible changes to the deductible rates if needed beginning with the September EFCC meeting and following that as needed. Nancy noted EFCC meets every September, January, March, and June. Steve Cafferata suggested adding this topic to the September 2023 EFCC meeting agenda.

A motion to continue with the current district deductible rates of \$.10 per acre for timber, and \$.05 per acre for grazing for the period of July 1, 2023 through June 30, 2024 was made by Steve Cafferata and seconded by Erik Lease. All committee members approved, none opposed, and the motion passed unanimously.

ITEM 8: ADMINISTRATIVE BRANCH / FIRE PROTECTION DIVISION REPORT [Information Item]

Administrative Branch Report

Board of Forestry and / or agency updates

State Forester Mukumoto introduced Jessica Butler, new Internal Auditor at ODF. She will be working directly under the State Forester. Cal continued by noting the recent transition in leadership in the agency and said the agency was moving forward with reorganization. The hope is to have this new organizational structure implemented within the next three months. Cal then updated the committee members on the status of the new WUI risk map stating a draft of the new map will be ready sometime in March. The agency is currently working with the Governor's Office on a communications plan that will then be shared with the public providing more information and explanation before rolling out the final map.

ODF legislative concepts and budget

Two legislative concepts were submitted for the 2023 legislative session. Those concepts have been reviewed and approved by Legislative Council and are to be determined as the process moves forward.

ODF financial report

The agency's cash balance is currently \$40M. This balance includes the amount that is pending distribution to counties for their portion of timber sales collected during the quarter ending in 12/31/2022.

The majority of fire season 2022 expenditures have been paid. Cash flow issues were mitigated this year thanks in part to the \$50M General Fund special purpose appropriation that was allocated to the department during the June 2022 Emergency Board hearing.

Having immediate access to the \$50M General Fund monies and also receiving reimbursements for the 2020 FEMA wildfire claims, ODF has the financial resources available to pay current financial obligations.

• FEMA update

Since the September EFCC meeting, \$33.8M for the 2020 wildfire reimbursements has been received.

The total amount due from FEMA (public assistance and fire management assistance grants) is \$56.8M. Of that amount, \$32.4M for 2020 public assistance grants has been obligated and is pending distribution by the Oregon Department of Emergency Management (ODEM). To clarify, ODEM does not have the cash on hand; rather, they have the ability to drawdown the funds as soon as their internal audit/validation process is complete.

Estimated claims that have not been submitted to FEMA total \$7.5M The majority of these claims will be submitted this spring following final cost share reconciliations for the 2021 fire season.

Severity update

The fire season 2022 severity obligation totaled \$11M. As of 12/20/2022, estimated expenditures totaled \$14.8M with an estimated recovery of \$4.8M. These estimates include amounts for out-of-state aircraft and other expenditures not yet invoiced. The net estimated severity expenditures to date total \$9.1M.

ODF's aviation program is currently working through the aircraft contract renewals. The review team, which includes the agency's Budget Unit, is waiting publication of the updated consumer price index. Once the contracts are finalized for the 2023 fire season, an estimate similar to the one provided for fire season 2022 will be compiled. It will be available in March or April of this year.

The department's requested \$6M in special purpose severity cost appropriations during the December Emergency Board hearing for the state's portion of 2022 severity costs. The request was approved.

<u>Strategic investments financial status</u>

Stacey also provided an update on strategic investments noting the 2017 worksheet was updated to reflect an additional \$1400 expenditure associated with the Mahogany Mountain detection camera in EOA. As a result of the additional expenditure, the beginning balance for the 2020 strategic investment projects was adjusted by the same amount. No costs have been recognized for the 2020 approved projects.

Steve Cafferata asked if work is going forward on the 2020 strategic investment projects. Stacey replied that those estimates have not been submitted yet.

Chair Garrelts then asked for an update on the status of the 2017 strategic investments at the March EFCC meeting as well as an update on more recent strategic investment projects, specifically SI successes or wins. He reminded the committee of the need to show how the projects are meeting their justification.

Nancy reminded the committee that at the September 2022 EFCC meeting, the financial report stated that 2017 strategic investment projects were closed out but she hasn't had a chance to follow up with the district on the remaining outstanding \$1400. As a result, the residual balance was moved into the beginning balance of the OFLPF for the 2019 / 2020 strategic investment projects.

Fire Protection Division Report

<u>2022 fire season close-out</u>

Mike Shaw provided a close out of the 2022 fire season highlighting the many successes beginning with less fires overall: just under 85% of ODF's 10 year average number of fires. The agency was also successful at catching 96% of fires at 10 acres or less. Due to aggressive initial attack by the complete and coordinated system, ODF is currently sitting at 29% of the 10 year average acres burned. Additionally, gross fire costs are around \$35M and net fire costs around \$17M – something we haven't seen for a while.

Reasons why the agency was successful this year included the late spring rain that reduced drought across the state and delayed the beginning of fire season and was combined with early season prevention messaging and the early detection of new fires via detection cameras and ODF's MMA infrared camera. The severity program and severity assets also contributed to the many successes of the 2022 fire season.

BLM Western Oregon Agreement

Ron Graham provided this report noting the current agreement expires in June 2024. Later this month or in February, the Division will conduct an After-Action Review (AAR) of the 2022 fire season for BLM and ODF districts. Negotiations on fees and costs will begin soon after that.

Geoboard update

An AAR was held in December 2022 and a work plan was developed to move forward for IMT succession management. The Geoboard typically meets monthly except for the month of January.

<u>Strategic investments status report</u>

The Fire Protection Division will begin implementation of the new strategic investments projects and will provide an update at the March EFCC meeting.

Chair Garrelts reminded the group of the over 2.6M acres (20% of forest and grazing lands protected within the state) that are protected by associations overseen by landowners. These associations also had many successes over the 2022 fire season.

ITEM 9: COMMITTEE MEMBERSHIP POLICY DISCUSSION [Information Item]

Chair Garrelts facilitated this conversation noting the Board of Forestry's encouragement to ODF to provide information on EFCC appointments. Therefore, he would like to codify the process by developing a draft policy of standards / processes for future committee member nominations. He added that ORS 477 defines the obligations of the OFLPF, which this committee oversees. ORS 477.455 establishes supervision and control of distributions from the Oregon Forestland Protection Fund.

Chair Garrelts then referenced ORS 447.440 which sets Emergency Fire Cost Committee membership:

- 1. Must be four members, all forest landowners within a forest protection district
- 2. Must be one committee member from each region of the state
- 3. Members serve 4 year terms with options for reappointments (past practice)

Historically, past practice for committee member nominations has included Oregon Forest & Industries Council, Oregon Small Woodlands Association (OSWA), ODF, the EFCC Administrator, the Deputy State Forester and/or the State Forester. He added the importance of defining the recruitment process which includes minimum standards for future committee members as well as representation. It's also important to stay within the committee's statutory limitations and remember EFCC and ODF only make

recommendations to the Board of Forestry, but it is the Board that ultimately decides who the committee members are. Chair Garrelts cautioned on the need to maintain committee membership that supports the committee's mission. The recruitment process will also be open and inclusive when appointing committee members to the EFCC.

Nancy Hirsch will take the notes from this discussion and use them to draft a policy. She hopes to have a final policy to bring forward to EFCC for adoption at the March 2023 meeting.

The committee members discussed the policy.

Chair Garrelts asked if there should be three strict requirements for representation or just one. Erik Lease responded by suggesting one position for a small landowner and let the remaining representatives be either large or small landowners. Chris Johnson responded by recommending at least one member representing a large industrial owner and one representing a small non-industrial owner. Steve Cafferata added that it provides valuable insight to have a representative from a privately owned company versus publicly owned.

Chair Garrelts informed the committee members of the option to discuss changing the requirement that all meet the criteria. The other option is to keep two buckets (one large and one small landowner representative).

A suggestion was made to set minimum guidelines so as not to disqualify potentially good candidates and to use "preference may be given towards" and other more specific language such as private, Oregon-based company.

The discussion included references to statutory requirements, minimum experience, representation, and preferences that may apply.

Statutory requirements

- Members shall be forest landowners or representatives of forest landowners whose forestland is being assessed for forest fire
 protection within a forest protection district.
- At least one member shall be selected from each forest region of the state.
- Members shall serve at the pleasure of the board.

Minimum experience

- Experience/participation on a forest protective association.
- Knowledge of wildfire policy and operations.
- Knowledge of forest management (on a large or small scale).
- Demonstratable insight into Oregon's complete and coordinated fire protection system.
- Participation in preparation and approval of a District or Association annual budget.

Representation

- One member must represent a large, publicly owned private forestland landowner.
- One member must be an Oregon resident small woodland landowner.
- One landowner must represent a large privately owned Oregon landowner.
- Other members may include large or small forest landowners or rural residents.

Membership preferences that may be applied

- Experience serving on a forest protection association board and/or budget committee.
- Forest landowner or representatives of an Oregon-based forest landowner company.

Membership recruitment was also discussed that included notification of recruitments and what outreach would be required. Multiple entities were identified for outreach that included: Oregon's Forest Protective Associations, ODF District Foresters and FPA District Managers, Oregon Forest Industries Council, Oregon Small Woodlands Association, Oregon Forest Protective Association, Oregon Tree Farm System and the Committee for Family Forestlands and other trade associations as determined.

Committee members were supportive of the chair sending formal solicitation letters to the chairs, presidents, etc. of the entities identified. Applicants should submit a resume demonstrating they meet the statutory requirements, minimum experiences, and representation requirements.

ITEM 10: EFCC ADMINISTRATOR REPORT [Information Item]

Stacey Chase and Nancy will be sending a message to ODF districts to schedule annual audits. Nancy will send the schedule to the committee once confirmed in case any committee members would like to attend any audits. Audits will be conducted in a hybrid (virtual and in person) model this year.

ITEM 11: PUBLIC COMMENT / GOOD OF THE ORDER

There being no further business before the committee, Chair Garrelts adjourned the meeting at 12:37 pm. The next regular meeting of the Emergency Fire Cost Committee will be held at **10:00 a.m.** on **Tuesday**, **March 7**, **2023** at the Oregon Department of Forestry Headquarters in Salem and via Zoom Video Conferencing.