

**Board of Forestry Special Meeting Minutes**

**August 24, 2021**

INDEX

<u>Item #</u>	<u>Page #</u>
<b>1. SENATE BILL 762 WILDLAND URBAN INTERFACE DEFINITION .....</b>	<b>1</b>
<i>Items listed in order heard.</i>	

Complete recordings from the meeting are available on the web at [www.oregonforestry.gov](http://www.oregonforestry.gov).

By the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry (Board) was held virtually on August 24, 2021, and hosted online by the Oregon Department of Forestry (Department).

All Board members joined online by 9:45 a.m. into the Zoom meeting. Board Chair Jim Kelly called the public meeting to order at 10:00 a.m. He reviewed online public meeting protocols for Board members, presenters, and the public. He noted live public comment will be accepted for the special meeting and written testimony must be submitted by September 3, 2021, to be included in the meeting minutes. Chair Kelly performed a Board roll call to confirm quorum for the decision item.

Board Members Present by Video:

- Karla S. Chambers
- Ben Deumling
- Chandra Ferrari
- Joe Justice
- Brenda McComb
- Jim Kelly

Board Members Absent:

None

**ACTION AND INFORMATION:**

1. SENATE BILL 762 WILDLAND-URBAN INTERFACE DEFINITION  
[Listen to audio](#) MP3 – (1 hour, 7 minutes, and 3 seconds– 30.6 MB)  
[View video](#) on YouTube (1:16:15)  
Presentation ([Attachment 1](#))

Chair Kelly commented on the Middle Fork fire incident, he requested a moment of silence to honor the brave firefighters working the fires, and in remembrance of the individual who passed. He introduced the purpose of the special meeting, the scope of information that will be presented, and the presenters who will provide a decision pathway for the Board.

Doug Grafe, Fire Protection Division Chief commented on the passage of Senate Bill 762 legislation instructing the Board to conduct administrative rulemaking and define the wildland-urban interface within 100 days of the bill’s enrollment, as successive rulemaking actions associated with this definition are to follow. He noted appreciation for the Board’s participation and leadership as ex-officio members of the rules advisory committees (RACs).

Tim Holschbach, Deputy Chief of Policy and Planning, outlined the objectives of the [presentation](#) and presented the legal requirements for defining the wildland-urban interface, providing examples of

internationally recognized interpretations of this specific term. He reviewed the RAC duration, processes to determine the language for the wildland-urban interface definition, and polling outcomes. He shared the Department's recommendation for the definition of the wildland-urban interface and the request to initiate public hearings. Holschbach closed by noting if the Board accepted the Department's recommendations, a series of steps will be taken to ensure the Board and Department meet the statutory assigned deadlines as prescribed in Senate Bill 762.

#### Legislator Testimony:

- Senator Jeff Golden noted the importance of completing the rule actions as outlined to ensure Senate Bill 762 provisions are implemented on the ground relative to risk reduction and mitigation. He expressed the challenges of accomplishing a complex project with various stakeholders in due haste and appreciated the Board's commitment to ensuring this work is completed in a timely manner. He offered context for Senate Bill 762, emphasized the significance of the risk mapping element, and described how the wildland-urban interface (WUI) definition will provide structure for the mapping. Senator Golden shared a range of social and industry-related perspectives that responded to the development of Senate Bill 762, describing how many opinions were expressed on the bill's outcomes and concerns about these outcomes that may impact Oregonians. He highlighted the mechanisms that were included in the bill to allow for the public, industry, and stakeholders to address their concerns. He suggested the WUI definition be general enough for the risk mapping to take place, allowing space for the RACs to fill in the finer details to mitigate and reduce the degree of risk posed for communities, property, and human life in Oregon. Senator Golden closed by thanking the Department for its efforts in coordinating, planning, and responding to fires during the current 2021 season.
- Oregon House of Representatives submitted written testimony ([attachment 2](#)) to clarify legislative intent and to offer additional context behind the actions taken by the legislature relative to discussions on the wildland-urban interface definition and its interconnectivity with elements of legislation included in Senate Bill 762. The representatives noted the goal of the new law and thanked the department for their professionalism while working through several rulemakings in order to fully implement these provisions of law.

#### Public Testimony:

- Peggy Lynch from the League of Women Voters of Oregon aired support for the Department's recommendation for the definition of the wildland-urban interface. She looked forward to remaining engaged as this rulemaking process and subsequent rulemaking actions progressed. She shared a personal reflection on how the risk of fire can impact Oregonians.
- Amanda Astor from Associated Oregon Loggers aired opposition to the Department's recommendation for the definition of the wildland-urban interface as presented. Asserted the broad definition does not focus on the finite resources for the Department to implement sections 18-20 of Senate Bill 762 nor assist the Oregon State Fire Marshall's effort to determine the enforcement of the regulatory provisions for this definition. She offered an alternative definition.
- Kyle Williams from Oregon Forest Industries Council cautioned the Board about accepting the Department's recommendation for the definition of the wildland-urban interface, as it may have implications for regulatory overreach, but remains committed to the rulemaking process as the next steps will be to refine the words and further define the meanings of the WUI in Oregon.
- Mary Anne Cooper from Oregon Farm Bureau Federation shared concern with the Board about accepting the Department's recommendation for the definition of the wildland-urban interface. She explained how the Agricultural community has experienced impacts from broadly defined

- regulations, noted the lack of space to fully discuss narrowing the definition, and described her perception of the legislators' level of agreement around this definition from the last session.
- Mary Kyle McCurdy from 1000 Friends provided written testimony ([attachment 3](#)) in support of the Department's recommendation for the definition of the wildland-urban interface and provided a series of points to move forward at this time. She offered the organization's perspective on the department's assessment of the fiscal impact analysis.
  - Chief Roger Johnson et al, from the Oregon Fire Chiefs Association provided written testimony ([attachment 4](#)) in support of the Department's recommendation for the definition of the wildland-urban interface and provided reasons for supporting this definition relative to the greater risk-reduction goal.
  - Phil Sollins provided written testimony ([attachment 5](#)) in support of the Department's recommendation for the definition of the wildland-urban interface but aired caution with the inclusion of the word 'or' and how this may impact the WUI scope. He provided an example to illustrate the connection between wildland and structural fires, from shrubs to forested areas.
  - Email campaign titled *overly broad WUI definition needs modification* requested further clarification of the wildland-urban definition as presented. The campaign proposed alternative wording with the reasoning behind the suggested adjustments ([attachment 6](#)).

#### Board Discussion:

- Board recognized the perspectives expressed by the agricultural and forest industry relative to narrowing down the ownership of risk and minimizing costs that may be associated to compliance with regulations. Expressed understanding of how this will be further determined through the mapping efforts, recognized stakeholders' concerns, and discussed how the Board can ask to revisit this definition if this process does not produce effective results or fulfill the legislative targets included in Senate Bill 762.
- Board noted the role of federal lands in reducing the level of wildfire risk, and how little funding is available to mitigate this risk.
- Board reviewed how widely the presented definition is being used and how widely applicable this definition can be. Department explained how this definition is consistent across the western end of the United States for the basis of defensible space identification of the WUI and provides a framework that allows flexibility as the criteria are developed and applicability is determined.
- Board inquired from the department on which format is recommended for the Board to codify their commitment to providing clarity in subsequent rulemaking for the meanings and criteria associated with the definition. Department explained for continuity the same RAC members will be asked to participate in the subsequent rulemaking to determine the WUI criteria. Chair Kelly reminded everyone in the meeting that this is not the end of the process and is hopeful of the continued engagement by the RAC members and stakeholders will produce reasonable results.

Karla Chambers motioned to adopt the staff recommendations as presented, with the caveat for the Board to revisit the definition if the outcomes do not meet the intended targets. Joe Justice seconded the motion. Board discussion followed with many members airing their perspectives on what they are willing to support or not support associated with the motion, and what they feel the role of the Board should have in assessing the effectiveness of their actions. Board Member McComb asked for the caveat to be retracted and for the Board to vote on the recommendations as proposed with the understanding the Board will have opportunities to consider addressing any expressed concerns moving forward. Chair Kelly asked Board member Chambers and Board

member Justice if they are willing to withdraw their motion, so the Board could vote on the staff recommendations as presented.

Karla Chambers withdrew the first motion. Karla Chambers proceeded with proposing two motions, 1) to accept the international definition of WUI, and 2) the board declares a statement of intent to revisit the definition if the process derails.

Chair Kelly proceeded with seeking a second for the first motion. Joe Justice seconded. Voting in favor of the motion: Karla Chambers, Ben Deumling, Chandra Ferrari, Joe Justice, Brenda McComb, and Jim Kelly. Against: none. With Board consensus, the first motion was accepted and carried.

**ACTION: Board accepted the international definition of the wildland-urban interface. “Wildland-Urban Interface means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.”**

Chair Kelly proceeded with seeking a second for the second motion. Joe Justice seconded. Discussion followed to determine when the Board would deploy this action, affirming that the Board would revisit the definition after subsequent stages of the process have been administered and did not provide the needed clarity to ensure the Board is meeting the stated program and intended goals outlined in statute. Voting in favor of the motion: Karla Chambers, Ben Deumling, Chandra Ferrari, Joe Justice, Brenda McComb, and Jim Kelly. Against: none. With Board consensus, the second motion was accepted and carried.

**ACTION: Board accepted the statement of intent that as a Board will come back and revisit the definition if for any reason the process does not meet the targeted focus as intended.**

Chair Kelly offered closing comments on the Department’s efforts in organizing rulemaking advisory committees together and the work completed in implementing Senate Bill 762. Board was encouraged to visit a large fire encampment if time allows to help them better understand what the Department’s role is in planning, coordinating, and working large fires on the landscape.

Chair Jim Kelly adjourned the public meeting at 11:12 a.m.

**April 27, 2022** – Chair Kelly suggested correction, and the Board approved the following.

The motion to accept the international definition of the wildland-urban interface initiated the administrative rulemaking process which included administering public hearings. With the passage of this motion, the Department proceeded with the public hearing process and returned to the Board with the proposed final language for Chapter 629, Division 44 wildland-urban interface definition on October 20, 2021.

Respectfully submitted,  
/s/ Nancy Hirsch



---

Nancy Hirsch, Acting State Forester and  
Secretary to the Board

HR

*Meeting minutes approved at the April 27, 2022, Board Meeting*