

Work Plan: **Fire Protection (2016 – 2017)**

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ORS 477.005 *“The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon”.*

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BACKGROUND

The Protection From Fire Program is the oldest (since 1911) and largest (397 FTE) program of the Department of Forestry, with a well established, understood and supported purpose and set of expectations. The program's mission is to protect Oregon forestlands from fire, through a complete and coordinated system with our cooperators, including fire prevention, suppression, investigation and cost collection. The overarching programmatic goal is to minimize the cost of suppression and the value of loss to resources by aggressive wildland fire initial attack, secondary only to the protection of human life.

There are several policy issues affecting the protection program that warrant the Board's attention this coming year. Maintaining a complete and coordinated protection system requires periodic review and revisions of policy ensuring a dynamic and sustainable program that encourages participation by stakeholders and cooperators. This draft plan outlines key policy work that the Board has already committed to and/or anticipates making decisions on during 2016.

FORESTRY PROGRAM FOR OREGON (FPFO) LINK

Go to internet link for full text: http://www.oregon.gov/odf/board/docs/2011_fpfo/fpfo_2011.pdf. The Board's Fire Protection Work Plan links most directly to the FPFO, Goal F and the topics identified under this goal.

Goal F: Protect and improve the health and resiliency of Oregon's dynamic forest ecosystems, watersheds, and airsheds.

1. Active fuels and vegetation management
2. Wildfire suppression cost control
3. Wildfire risk reduction/ecosystem improvement
4. Wildfire, insects, and diseases protection
5. Wildfire suppression priorities
6. Climate change adaptation and mitigation
7. Forest landscape resilience
8. Smoke management

TOPIC 1: Firefighter Legal Defense

Context

In 2011, at the request of the Governor and the Board of Forestry, the Legislature enacted ORS 477.128, allowing the State Forester to expend monies to provide legal defense of a firefighter, if that firefighter is charged with a crime as a result of decisions made in the due course of suppressing a fire. As a matter of prudence, and as suggested by some of the legislators involved in discussions with the Department, it would be appropriate to establish rules for the State Forester's review of the circumstances leading to a potential expenditure, and possible limits and procedures for managing the costs of such a defense.

Board Products/Deliverables

The Board will be asked to promulgate a set of Administrative Rules.

Tasks

- Board direction and support for the Department to convene a workgroup.
- Board reviews draft rules proposed by Department and directs rule making process consistent with the Administrative Procedures Act.
- Board decision on final rules.

Stakeholder/Public Involvement

- Stakeholder involvement through the workgroup to formulate rule concepts.
- Public comments accepted on topic at Board meetings.
- Public hearings consistent with rule making process.

Timeframe with Milestones

March, 2016

- Board directs the Department to begin rule promulgation.

June, 2016

- Board considers and approves rules.

TOPIC 2: Forest Protective Association Agreements

Context

Each of the Forest Protective Associations has a forestland protection agreement with the State Forester that either establishes the terms of protection of their member lands by the State Forester in the case of non-operating associations, or that contracts the operating associations to protect non-membership lands in their districts. Until recently, most of the agreements had not been updated since the 1960's and 70's. The Board has already reviewed and approved updates for eight of the twelve association agreements between 2005 and 2013. Two associations have declined to update their agreements, with the remaining two anticipated within the next two to three years.

Board Products/Deliverables/Tasks

Approval of updated agreements in conformance with the Board's rules under OAR 629-041-0100. Agreements considered by the Board will have gone through the following processes:

- Staff will continue to work with FPA Boards of Directors and District Foresters to negotiate updated agreements.
- Agreements will undergo legal sufficiency review by the Department's legal counsel.
- After final agreements are signed by the parties, they will be presented to the Board for review and approval.

Stakeholder/Public Involvement

- Staff will work directly with the FPA Boards of Directors and provide updates as necessary at FPA biannual meetings that include a broader range of landowners and stakeholders.
- Public comments may be accepted on topic at Board meetings.

Timeframe with Milestones

The pace of agreement updates are contingent upon involved parties gaining understanding and acceptance of new and revised agreement language.

TOPIC 3: Fire Prevention

Context

The Division, along with key stakeholders have initiated a comprehensive review to modernize industrial fire regulations, which includes a component of prevention rule revisions that would require Board action. With the recent advances in logging and forest management practices, some of the industrial fire prevention rules, Oregon Administrative Rule Chapter 629 Division 43, are outdated and in need of a review. The industrial fire prevention practices, including industrial fire prevention rules, have not had a thorough review since 1999 and several of the department's stakeholders have expressed an interest in assisting protection staff in initiating a comprehensive review.

The industrial fire prevention rules are designed to assist landowners and operators in fire prevention tactics during industrial operations by requiring specific equipment and behaviors during fire season. It's very important to have updated and relevant industrial fire prevention rules and practices that continue to prevent operation fires. This effort will be conducted in two phases:

- **Phase 1**: Industrial fire prevention rules review will result in clarifying and adjusting existing OAR's to bring modernization and consistency with existing practices. This effort would require Board action.
- **Phase 2**: Entails a more comprehensive industrial fire regulations review and will begin at the completion of phase 1. This phase will include fire prevention topics that are more complex and will require indepth deliberation and staff work. This effort also includes related topics outside of the industrial fire prevention rules, such as: ODF administration and implementation of industrial prevention, waiver process and Industrial Fire Precaution Levels, which is administered by the Pacific Northwest Wildfire Coordinating Group. Protection staff will share a final report to the Board at the completion of this effort.

Board Products/Deliverables/Tasks

The Board will be asked to approve updates to existing rules.

- Board direction and support for the Department to convene a workgroup (already accomplished).
- Board reviews draft rules proposed by Department and workgroup and directs rule making process consistent with the Administrative Procedures Act.
- Board decision on final rules.
- Board receives final report on the comprehensive industrial fire regulations review.

Timeframe with Milestones

2016 - TBD

TOPIC 4: Fire Program Review

Context

For the last three fire seasons, Oregon has experienced a significant increase in severe wildland fires, and related damages and costs. Contributing to an increasing duration and intensity of high fire danger periods have been long-term drought conditions, significant lightning events, limited snow pack and record breaking temperature periods. The amount of firefighting resources required has at times taxed the protection system, both financially and operationally. The increased need for agency resources has also coincided with a period of high workloads in the Department's other programs (State Forests and Private Forests), often delaying critical work in those program areas. In response to these challenges, the Department is initiating this strategic initiative to move towards a more sustainable fire organization for the future. A critical first step in implementing this initiative is to convene a "Fire Program Review Committee" comprised of key stakeholders and partners to focus on the following objectives:

- Develop recommendations for a more sustainable large wildfire funding structure.
- Develop recommendations for a more sustainable wildfire organization
- Help inform policy options to mitigate increasingly complex wildfire conditions in Oregon

Board Products/Deliverables/Tasks

The Board will be updated and when appropriate, asked to approve recommendations and agency action based on the committee's work.

Timeframe with Milestones

January 2016

- Board receives update on progress of committee

March 2016

- Board receives update on progress of committee

June, 2016

- Board receives update on progress of committee

TOPIC 5: Annual and Ongoing Topics

Context – Annual Work

Approve Protection Budgets: As directed by statute, at the June Board of Forestry meeting, “The State Board of Forestry shall annually review the forest protection district and rangeland protection budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all protection budgets and the prorated acreage rates therein.”

Association Letters: In each of the agreements with the non-operating forest protective associations, there is a requirement that each association will provide “...an annual letter from the Association to the Forester providing input on Department operations affecting the District or the Association (to be transmitted to all members of the Board)...” (State Forester letters).

Rangeland Protection Association formation: Periodically, a request for a public hearing on the possible formation of a Rangeland Protection Association (RPA) will come before the Board for approval. Based on the outcome of the hearing, the Board may receive a request for approval on the formation of an RPA.

Fire Season Reports: Receive fire season reports during the fire season.

Emergency Fire Cost Committee: Make appointment to the Emergency Fire Cost Committee.

Board Products/Deliverables and Timeframe

At each June Board meeting, the budgets for the forest protection districts and rangeland protection associations, and copies of the State Forester letters will be presented to the Board for consideration as directed in statute and the association agreements.

Tasks

Review and approve forest protection district and rangeland protection association budgets and the prorated acreage rates.

Appoint, as necessary, a member to the Emergency Fire Cost Committee

Stakeholder/Public Involvement

- Prior to the June Board meeting, the forest protection district budgets are developed through local budget committees made up of landowners, reviewed and discussed at the forest protective association meetings, and required to go through a public hearing at district and unit offices.
- Public comments may be accepted on topic at Board meetings.

Oregon Board of Forestry Work Plans - Protection 2016 Matrix

Fire Protection Work Plan	Board of Forestry Agenda						
	Jan	Mar	Apr	June	July	Sept	Nov
Firefighter Legal Defense - 2011 HB 2123B							
<i>Milestones</i>							
❖ Direct Department to begin promulgation of rule language		X					
❖ Consider and approve rules				X			
Forest Protective Association Agreements							
<i>Milestones</i>							
❖ Approve final agreements TBD	TBD						
Fire Prevention							
<i>Milestones</i>							
❖ Direct the Department to begin promulgation of minor rule language	TBD						
❖ Consider Rule Approval							
Fire Program Review							
<i>Milestones</i>							
❖ Provide updates to the Board	X	X	X	X			
Annual and Ongoing Topics							
<i>Milestones</i>							
❖ Approve Forest Protection District and Rangeland Protection Association annual budgets				X			
❖ Review letters from FPA's to the State Forester				X			
❖ Periodic approval for the initiation and formation of Rangeland Protection Associations	TBD						
❖ Fire Season Reports				X	X	X	
❖ Appointment for Emergency Fire Cost Committee		X					