In accordance with the provisions of ORS 477.455, a meeting of the Emergency Fire Cost Committee (EFCC) was held via Zoom Video Conferencing on Tuesday, January 4, 2022.

Committee Members Present
Brennan Garrelts, Chair
Steve Cafferata
Chris Johnson
Erik Lease

Others Present
Nancy Hirsch, EFCC Administrator
Tim Keith, Interim EFCC Administrator
Lorna Hobbs, EFCC Finance Coordinator
Chrstal Bader, Executive Support, Oregon Department of Forestry (ODF)
Shauna Morris, Administrative Support, ODF
Cal Mukumoto, State Forester
Bill Herber, Deputy Director, Administration, ODF
James Short, Assistant Deputy Director for Administration, ODF
Mike Shaw, Interim Chief of Fire Protection, ODF
Ron Graham, Deputy Chief, Operations, Fire Protection, ODF
Neal Miller, Fire Cost Recovery Specialist, ODF
Tyler McCarty, SWO District Forester, ODF
Mark Hubbard, Finance, ODF
Stacy Miller, Fire Finance, ODF
Kathy Wells, Fire Finance, ODF
Todd Scharff, DAS Risk Management
Lindsay Cunningham, Willis Towers Watson
Matt Stayner, LFO
Kyle Williams, Director of Forest Protection, Oregon Forests & Industries Council (OF&IC)
Chris Edwards, President, OF&IC
Cindy Robert, Hancock Forest Management
Betsy Earls, Weyerhaeuser
Randy Hereford, Starker Forests
Kylie Grunow, Meriwether

ITEM 1: CALL TO ORDER, CHAIR COMMENTS AND INTRODUCTIONS
Chair Garrelts called the meeting to order at 10:02 a.m. on Tuesday, January 4, 2022. All Committee members were present via Zoom video conference and there was a quorum. The committee welcomed Erik Lease, new EFC Committee member. Erik works for Weyerhaeuser and will be representing landowners in the northwest region of Oregon.

ITEM 2: APPROVAL OF THE MINUTES OF THE SEPTEMBER 7, 2021 EFCC MEETING [Decision Item]
No comments were made by committee members or attendees on the September 7, 2021 Emergency Fire Cost Committee meeting minutes. A motion for approval was made by Chris Johnson and seconded by Erik Lease. The minutes of the Emergency Fire Cost Committee September 7, 2021 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 FY22 through November 30, 2021. The beginning balance of the fund on July 1, 2021 was $13,362,556.

On the report under “Estimated Revenue/Transfers In:”
- Item #1: Estimated total assessments for FY22 to date are $4,399,166. These amounts have been updated since the last report after acreage numbers were updated in November. This is an increase of $125,000 of the estimated revenue.
- Item #2: Harvest Tax revenues are estimated at $1,327,857 which is 59% of the expected total for the year.
- Item #3: Estimated interest earned for FY22 is $16,629. In September, the estimated total for the year would be about $59,467 and since that time, the interest rate went down to the current rate of 0.45%. The estimated interest for the year is $41,025.
- Item #4: Estimated adjustment for overpayment of FY21 operating expenses is at $6,400.

The estimated total for revenues and transfer in for FY22 is $11,349,733.
On the report under Expenditures/Transfers Out:

- **Item #1:** FY22 Payroll and Operating Expenses remain estimated at $185,000.
- **Item #2:** $318,000 was paid to the Department of Administrative Services for the OFLPF contribution to the insurance premium for fire season 2021.
- **Item #3:** The Fund’s contribution to the insurance premium for fire season 2022 is still estimated at $315,000.
- **Item #4:** $3M was transferred from the fund for severity costs for fire season 2021.

For the 2021 fire season draft claims, the net amount for FY22 claims is currently estimated at $57.2M, not including fires prior to July 1, 2021, which are included in the FY21 claim. A $10M advance was made to Douglas Forest Protective Association (DFPA) to help cover fire payments.

**Estimated Fund Balances for June 30, 2022 is $13,818,000.**

**ITEM 4: WEATHER UPDATE [Information Item]**

Ron Graham, Deputy Chief of Operations for the Fire Protection Division, provided the weather update which shows a little bit of relief in drought. As of the end of December, the state is still in drought, with central Oregon remaining in exceptional drought. The east side of the state is in extreme drought but some of that area drought is being mitigated daily. Ron emphasized that there is still a long way to go. The state was in significant drought early last winter and through last fire season. Nationally, as of end of December 2021, the trend shows drought easing up a little. There has been good snowpack across the state with the last series of storms which were significant and widespread. For the next three months in Oregon, the trend is still showing temperatures below normal and precipitation potential above average. Ron noted the key takeaway from this report is the state is getting a good amount of moisture. However, there are still a few areas on the weather monitoring locations showing 50 days without significant rainfall, primarily in the remote eastern areas of the state. ODF will continue to monitor the snowpack and snow/water equivalencies as well as early snow melt that might change the current outlook. Ron did not venture a prediction of next fire season’s severity, noting that it was too early to tell.

**ITEM 5: UPDATE ON STATUS OF LARGE FIRE COST COLLECTION EFFORTS [Information Item]**

Neil Miller, Fire Cost Recovery Specialist, provided a brief update on the status of large fire cost collection efforts. He noted that of the 55 large fires listed, Stouts Creek, Fern Ridge and Santiam Park fires are all very close to settlement for insurance policy limits. Since the last EFCC meeting in September, ODF has received a total of $4,610.90 from 55 payment plans, for a total collection of $55,622,57 to date on these fires. Central Oregon District’s (COD) Haystack fire has been settled for policy limits and closed. Western Lane’s Horton fire & West Oregon District’s (WO) Maple fire are new to the list, recent demands have been sent. For significant fire investigations in progress, Southwest Oregon District’s (SWO) Fielder Creek fire has been added. North Cascade District’s Santiam Park investigation is complete. Under new fire cost reporting, Elbow Creek, Pike Road, and North Bank Lanes have updated fire costs since the last EFCC meeting. Although ODF was not jurisdictionally responsible for the Holiday Farm, 242 and Slater fires, Oregon Department of Justice is reaching out to the US Attorney’s Office to determine the status of investigations on these 2020 Labor Day fires.

**ITEM 6: INSURANCE POLICY UPDATE [Information & Decision Items]**

Todd Scharff, Department of Administrative Services Risk Manager, provided an update on the **2021-22 claim status** noting this year, eligible costs exceeded the $50M deductible by about $19M. This amount could go up or down a little depending on the auditing process. All appropriate parties and insurers have been notified of the claim and appropriate people have been assigned to manage the claim. Trevor Arnold with Crawford has been assigned as the claim adjuster, Joel Booth is his backup. The claim adjusting was moved from McLarens after David Logan’s retirement. Once again, forensic accounting of the claim will be handled by lead accountant Kathryn Thompson with Baker Tilly. Tim Keith will serve as the lead auditor for ODF. Todd noted the good continuity from prior claim years. The next steps are for the numbers to come in at the district level and auditing to occur for the claim to be finalized and presented. Todd will have more information to report in the spring.

Lindsay Cunningham, Global Client Advocate and leader of Willis Towers Watson’s Pacific Northwest Region, provided an update on the **Insurance policy for the 2022 fire season** noting the policy renewal date of April 15, 2022. Lindsay showed a PowerPoint presentation providing a look back on the numbers for the past 11 years to lay the foundation of the program and how it is favorable for the State. She highlighted fire seasons 2010 forward, which show favorable firefighting cost recuperations. Since 2010, approximately $31.5M has been paid in premiums with recoveries in the $66M range. This is unfavorable for insurance underwriters. Feedback received from the lead underwriter Derek Hanson with the Canopious Group is that the renewal should focus on what caused the 2021 season fires and why/how it was different from previous fire seasons. He also would like to see how Oregon is adapting and addressing fire risk.

Lindsay noted that the fire season look back will show how the program has changed over the years, specifically the retention/deductible amounts. Current property market conditions depict the difficult times. In general, the property market was very hard hit with over 22 events worldwide, exceeding $22 billion, which impacts insurance carriers and how they do business. The property insurance market rates are upwards of a 15% increase; however, some models do show improvement. ODF carries the only kind of coverage like this in the world so there is no exact comparison. She explained that Lloyd’s of London is made up of many syndicates that sit inside the program. A majority of the policy (94%) is Lloyd’s of London and syndicates with Canopious as the lead underwriter. Acceptance
Indemnity, a US-based company, offered significant positive pricing compared to Lloyd’s so they were brought onto the program this past year. Acceptance also offered a rate guarantee if losses were below or at the minimum. Unfortunately, with the current loss last year, they cannot adhere to this guarantee.

Lindsay anticipates an increase in retention from $50M, as well as a premium increase of 20-25%, as well as carrier participation changes. Depending upon retention, the pricing element can change drastically. Lindsay also mentioned the bi-weekly meetings which started in November to work on the renewal. Meetings with underwriters are tentatively scheduled for the week of February 14 with a dry run of the presentation and a one-on-one meeting with Canopious. Renewal quotes are expected around March 1, 2022 with term negotiations occurring in mid-March. Binding orders will be sent to the markets around the first of April.

Todd Scharff reminded the committee that it is EFCC’s role to provide a recommendation to the State Forester regarding the purchase of a policy renewal. It is anticipated that there will be numbers for EFCC to review at the March EFCC meeting. Todd also noted that Chair Garrelts has been engaged since the beginning; Lee Lockram with Willis Towers Watson will join the March underwriter meetings. Lee has good relationships with insurers and a superb ability to negotiate.

Steve Cafferata asked if any analysis is done on the actual return on investment to the underwriters from premium payments. Lindsay responded that over the years, insurance companies have made a lot of money investing in capital markets conservatively, however, returns have been significantly lower. As a result, many insurance companies are moving out of harder risk areas into more profitable lines of business for risk premiums to pay off.

Chair Garrelts commented that it will come down to the State Forester and a recommendation from EFCC to continue this insurance policy. He cautioned that once the program is gone, it would be hard to renegotiate and bring it back because it is so unique; the EFCC and the State of Oregon need to keep in mind the big picture and what makes sense at the time. The EFCC recommendation to the State Forester does not bind the committee or the State.

A motion that the State Forester work with Willis Towers Watson to secure the firefighting expense insurance policy bid for renewal and possible action at the EFCC March 2022 meeting was made by Steve Cafferata and seconded by Chris Johnson. All were in favor, and none opposed. The motion was unanimously approved.

ITEM 7: FISCAL YEAR 2020 AUDIT REPORT [Decision Item]

Tim Keith, Acting EFCC Administrator, provided the summarized FY20 audit report, noting the full report can be viewed on the EFCC website. The audit for FY21 is incomplete due to nearly $12M spent last spring, prior to the conclusion of FY21. Nancy will bring those audit reports to the committee next winter. The EFCC Administrator annually audits the fire cost claims against the Oregon Forestland Protection Fund (OFLPF) ensuring those costs are appropriate. Audits were conducted by Nancy Hirsch, Tina Meyers, and Lorna Hobbs. The total extra costs for FY20 were $26.9M with a net claim of $10,145,527 to the OFLPF and General Fund. Four districts were audited last year. OAR 629.165.0310 requires all claims against OFLPF not be finalized until the EFCC Administrator has audited each claim and the committee has approved the audits. Audits assure EFCC maintains financial responsibility to manage the OFLPF and assists the State Forester with the ability to secure the insurance policy. Tim added that the key to the success of the audits is that the EFCC Administrator encourages fire management district personnel and fire business personnel to attend the audits. This provides two-way communication to keep the EFCC Administrator up to date on issues and ensures requirements are current. It also allows the Administrator to convey the audit results to ODF field personnel.

To summarize the audit report, the statewide total for reversal of charges was 9.4% of the fiscal year net claims ($9,498,654). This was primarily due to a misunderstanding of coding for FEMA-eligible costs. Ineligible costs charged to the OFLPF have been corrected on the Milepost 97 fire in DFPA. Example of the types of things found include eligibility of personnel with protection funding; regular payroll is charged to the respective district and overtime is charged to the incident (OFLPF). Hand crew personnel payroll is eligible for OFLPF funding but not if they are assigned to an engine crew. Shift tickets were also missing some information, specifically signatures. Although the shift ticket finding doesn’t have a financial implication, it is key to maintaining the integrity of the system, ensuring approved resources are used and charged correctly. Other issues found in the audit included helicopter deductibles, unauthorized meal charges, and ineligible fire costs on fires that were not a threat to the respective district. These ineligible charges have since been reversed.

Charges to the OFLPF that are the responsibility of other agencies were also found. Additionally, there were some financial reporting challenges with different systems between the operating associations and ODF districts regarding FEMA eligibility personnel cost reimbursements. Another issue found in the audit was that emergency fire costs were coded to fires outside of fire season, which were the responsibility of the district. These charges were also reversed.

The South Cascade and Central Oregon District audits were conducted remotely. The DFPA audit was held in Salem. The Southwest Oregon District audit was held at the Medford ODF office. The Klamath-Lake District audit was also held remotely. All in all, the 2021 fire season was relatively quiet with only four large fires experiencing gross costs over $1M, and four fires that ranged from $100k to $1M in cost.

Pages 7 and 8 of the report show precisely what corrections were made. Tim finalized this report with Lorna Hobbs, and Nancy Hirsch has approved it for review and approval by the EFCC today. A motion to approve the report and finalization of the FY21 claims was made by Erik Lease and seconded by Steve Cafferata. All were in favor, none opposed, and the motion passed.

Steve Cafferata encouraged taking advantage of the stories coming out of these reports – close calls, saves, et cetera, that show what a great job districts are doing. Chair Garrelts commended the auditors and this committee on ensuring landowner dollars are spent properly and prudently. Having these mechanisms in place speaks well to how fires in Oregon are managed and extinguished, and how dollars are spent.
ITEM 8: SET DISTRICT DEDUCTIBLE RATES FOR 2022-23 FISCAL YEAR [Decision Item]

Tim Keith opened this topic noting the authority set forth in ORS 477.770, and OAR 629.165.0100, which establishes that the Emergency Fire Cost Committee shall set deductible amounts on or before January 15 of each year. Rates are currently at $0.10 per acre for timber and $0.05 per acre for grazing. There is no increase in the biennial budget to increase these rates. Tim recommended the Committee leave the deductible rates for timber and grazing the same for 2022. Additionally, the $25k per fire per day deductible is embodied in administrative rules and would require rulemaking by the committee to change that deductible.

Chair Garrelts commented that a good amount of communication is occurring in Oregon regarding large fire funding and addressing cash flow issues. It would be wise at this time, rather than adjusting any rates for the Fund, to let conversations develop and look at what opportunities are presented, and possibly look at changing the district deductible rates next year.

A motion to leave rates at $0.10 per acre for timber and $0.05 per acre for grazing for FY22-23 was made by Chris Johnson and seconded by Steve Cafferata. All approved and none opposed, and the motion passed unanimously.

ITEM 9: AGENCY / FIRE DIVISION REPORT [Information Items / Possible Decision]

Mike Shaw, Interim Chief of Fire Protection opened this topic noting that he is backfilling behind Doug Grafe, previous Chief of Fire Protection. Through the passage of Senate Bill 762, Doug is now the Wildfire Director for the Governor’s Office. Mike will remain interim Chief through the end of January when the agency is expected to fill the position, limited duration, through the end of the biennium. Mike then introduced Cal Mukumoto, Oregon’s new State Forester who provided the first update.

- **State Forester / Board of Forestry update**
  State Forester Cal Mukumoto reported on current issues facing ODF, including the ongoing negotiations with the Western Oregon Operating Plan (WOOP) agreement. Cal is hopeful they will come to a good solution with the BLM. Additionally, Nancy Hirsch and Bill Herber are working on a long-term fix for large fire financing and will present at the Board of Forestry meeting tomorrow for approval to bring in front of the legislature next biennium. Cal also emphasized the important work of the EFCC.
  Bill Herber, Deputy Director for Administration, provided an update on the move of the Fire Finance Unit to the Administrative Branch, noting this as one of the MGO recommendations for a central finance services program. A total of nine positions, seven from the Protection Finance Unit, and the two EFCC positions (EFCC Administrator and EFCC Finance Coordinator.) The seven positions from Protection, supervised by Stacy Miller, officially moved over to the Admin Branch on December 13, 2021, however, the budgetary change was effective July 1, 2021. The move didn’t occur at that time because the agency didn’t want to make a major organizational change during the middle of fire season. Bill noted there is still work to be done to gain alignment in fire finance operations throughout the department and to leverage further implementation of MGO recommendations including Actual Cost Computation (ACC) and district/agency budgeting. The funding structure remains as the standard fire protection funding, not the Administrative pro-rate that other finance positions fall under. On January 3, the EFCC positions officially moved, however there are still some housekeeping tasks to manage.

- **2021 Fire Season wrap-up**
  Mike Shaw provided the 2021 fire season report noting how the season started with drought early in 2021 across significant portions of the state, which was earlier than normal. A fire on March 28 outside of Bend burned a couple hundred acres. This long duration drought has led to more fuel-driven fires. For the 2021 fire season, there were a little over 1,100 fires on ODF protection burning over 225K acres. These numbers are slightly above average on number of fires and above average on acres burned. Statewide across all protection agencies, ODF incurred 60% of fire starts but with aggressive initial attack in cooperation with landowners and cooperators, ODF only incurred 28% of the acres burned. Fire season 2021 gross costs year to date are at $129.2M. Emergency Board investments provided additional capacity and aviation that were critical to early season successes, however, climate conditions and fire behavior continue to outpace capacity. Continued investments in fire suppression is a good first step, but additional investments will need to be made to adapt to the changing conditions. Without landowner cooperation and partnership, the 2021 fire season would have been significantly more devastating than it was.
  Steve Cafferata asked about lightning and the US Forest Service (USFS) working relationship to find successful outcomes in places that are sometimes challenging. Mike responded that last year, there were some significant challenges on the landscape that the agency will be working to address in the future with USFS.

Ron Graham, Deputy Chief of Operations, noted that regarding utility companies, there have been multiple efforts at the state office level in coordinating with the Public Utilities Commission (PUC) and the Oregon Emergency Response (OER) Council of government agencies. The PUC works with industry directly to relay fire danger information. They are also working on mitigation and fuel reduction. Ron added that ODF district foresters meet with private and public utility companies to coordinate efforts before incidents happen. They also review recommendations for shutdowns as well as potential mitigation work. The 2021 fire season was very different than 2020, but ODF continues to engage with utility companies regularly.
• **Protection Division personnel changes**
  Mike Shaw also provided an update on Protection Division personnel changes. After a preview of SB 762, the division determined it was critical to split the Deputy Chief duties – one for Policy & Planning and one for Operations – to provide additional capacity on implementation of the bill. Tim Holschbach is now officially the Deputy Chief of Policy and Planning. The Division also hired an additional six personnel to support the implementation plan and is working to fill the remaining SB 762 funded positions to provide additional capacity and to have the ability to be proactive versus reactive.

• **SB 762 implementation**
  Mike Shaw then reported on the implementation status of SB 762 noting that within 100 days of the effective passage date of the bill, the Board of Forestry had to define the Wildland Urban Interface (WUI). Through multiple Rule Advisory Committee meetings, the agency continues to work through the implementation process. To date, all timelines have been met and will continue to be met as outlined in the bill. Additionally, SB 762 covers more than just the Protection Division within ODF; there is also mitigation work being managed through grants within the Planning Branch of ODF as well as a full-time Project Coordinator, Derek Gasperini, who is the main point of contact to track all aspects of the implementation process across the agency.

• **ODF financial report**
  Mark Hubbard, Financial Services Manager, reported that ODF is doing well with its cash balance. Fire season vendor payments have slowed down considerably with $105M in gross payments made to date for FY22 (fire season 2021). There remains approximately $29M in estimated outstanding payables however no invoices have been received to date. Mark noted that this amount does not include non-jurisdictional fires.

• **BLM Western Oregon Agreement**
  Ron Graham provided an update on the BLM Western Oregon Agreement noting State Forester Mukumoto and BLM Director Berry Bushue have met. In summary, BLM wants a lower cost in the new agreement. ODF has done extensive work on possible concept developments; however, those options weren’t what BLM was looking for so conversations will continue. In March, the Board of Forestry agenda includes a Consent Agenda item to inform the Board on what BLM is seeking and asking what those options may look like. Beyond that, the agency would need to submit a Policy Option Package (POP) or legislative concept for changes to the funding structure. With landowner investments in advancing the fire protection system, Ron added that it doesn’t make sense to make reductions to services, so the agency needs to continue with the current level of protection, if not advance more. The Western Oregon Operating Plan is good until June 30, 2024; however, one party could sever the agreement if they choose to. As of now that hasn’t been discussed, nor has ODF received communication from BLM for reduction of acres.

• **GeoBoard update**
  Ron Graham also provided the GeoBoard update remarking on the hard work that has been done over the last couple of years to provide a pathway for sustainability of ODF IMTs. The GeoBoard determined that three ODF teams were needed. The division has since added capacity to the IMTs and continues to build sustainability. The review of changes to Police & Fire benefits, based on current fire season conditions, is about 99% completed. The division will meet with ODF Human Resources and the Public Employees Benefit Board soon to ensure a process is in place for additional recognition of the strain firefighting places on ODF employees. The fire season 2021 After Action Reviews (AARs) were completed in December, however the GeoBoard took a break over the holidays and will begin meeting monthly again in February. Ron reminded the committee that the GeoBoard is a good cross-section of people from agency programs, divisions, leadership and ODF Incident Commanders, who all provide input on recommendations.

• **FEMA update**
  Stacy Miller, Fire Business Unit Manager, provided an update on FEMA reimbursements highlighting the 2015 fire season admin claim was submitted for approximately $450k. Contracts and materials documentation have been submitted to FEMA for the 2020 fire season public assistance claims. Additional policy information is being written to meet the environmental and historic preservation review requirements. ODF also recently received $2.5M for the Ramsey and Mosier Creek fires. Prior to 2020, outstanding FEMA claims total $1.07M, $68.3M for the 2020 season and $26M for the 2021 season.

Bill Herber noted that this shows ODF is carrying quite a bit of debt waiting for these reimbursements. To mitigate this, the Department will be submitting a request to the Legislature in January/February for over $76M in General Fund at either January’s Legislative Days meeting or the February Legislative session. The breakdown of this request is $40M for the state’s portion of net fire costs, $6M for SPA related to severity, and $500K for large fire district deductibles, as well as an additional $30M for gross costs due to utilizing appropriations set aside for SB 762 activity. The agency anticipates it will receive $46M for net cost and severity costs but the $30M ask for gross costs is new and not anticipated to be approved by the Legislature. Providing these types of costs up-front will be included in large fire funding fixes in the future.

• **Severity update**
  Ron Graham provided the update on severity noting additional investments made in the budget from the Emergency Board. Specifically, the General Fund component doubled to $10M total. To date, $9.1M of that has been spent. The cost of aviation resources continues to rise on average 6.5% annually for the cost of insurance, maintenance, fuel, and federal aircraft requirements. This will again be a challenge in the current budget.
ITEM 10: EFCC ADMINISTRATOR REPORT [Information Item]

Tim Keith opened by officially handing the baton of EFCC Administrator back to Nancy Hirsch. Tim will continue to assist Nancy with audits this spring. He noted that he appreciates the support of Nancy Hirsch, Chair Garrelts, and the committee throughout the past fire season and up to now. Chair Garrelts stated his appreciation to Tim for stepping up; despite all the changes, it was seamless.

Nancy Hirsch thanked Chair Garrelts for his support in her taking on the temporary Interim State Forester role. She is happy to be back. Nancy then noted the importance of keeping Tim on, as mentioned previously, especially regarding the insurance policy renewal, that there be continuity on eligibility decisions for both OFLPF and GF dollars. This also allows Nancy, over the next year, to focus more purposefully on policy considerations for the committee as well as the nexus of the implementation of the MGO recommendations pertaining to EFCC. Cal has asked Nancy to assist him and/or the department so she may be focused on that at times but feels she needs to be available to support both the new State Forester and the agency.

ITEM 11: PUBLIC COMMENT / GOOD OF THE ORDER

There being no further business before the committee, Chair Garrelts adjourned the meeting at 11:59 a.m. The next regular meeting of the committee will be held at 10:00 a.m. on Tuesday, March 8, 2022 either via Zoom Video Conferencing or in-person at ODF Headquarters in Salem, Oregon.

Minutes drafted by: Chrystal Bader
Minutes reviewed by: Tim Keith and Steve Cafferata