

OC Charter Summary Feedback Form After RAC 1

QUESTION	Dylan Kruse	Mary Kyle McCurdy	Les Hallman	Pam Hardy	Amelia Porterfield
Section A: Scope & Charter (Overall reflection on a 1-3 scale)	(2)	(2)	(1)	(1)	(2)
Why did you select that number and what changes would you like made?	<p>It is unclear to me how or why we are conducting a fiscal analysis on the definition of the WUI and its classification. The presence of the WUI does not inherently have a fiscal impact. Fiscal impacts will be generated by the policies and mandates that occur within the WUI (defensible space, building codes). The WUI is simply a set of geographic boundaries and presence of vegetation and structures.</p>	<ul style="list-style-type: none"> • It is correct that ORS 183.333(3) provides that “If an agency appoints an advisory committee for consideration of a rule ... the agency shall seek the committee’s recommendations on whether the rule will have a fiscal impact...” However, I hope the staff proposal to the RAC focuses on what exactly we are doing in THIS RAC – defining the WUI per sections 31-33. Simply defining the WUI and the criteria to identify & classify it have little if any fiscal impact. • Concerns raised by some RAC members on the impact of this step are actually about the impact of later steps and rules, that involve application of the WUI – and other factors - in a variety of contexts. THIS RAC cannot evaluate the potential impacts of those later decisions because we do not know how they will play out. • For example, Sections 8-10 require the State Fire Marshall to adopt defensible space requirements in the WUI. When we are recommending a WUI definition, we will not know what those defensible space requirements will be and so cannot determine the fiscal impact. The bill further specifies factors that must or may be 			<p>Section 3, fiscal impact appears to be outside the charge of this RAC. By itself, whether a property is or is not in the WUI should not create fiscal impacts. This RAC is only focused on that definition of what the WUI means, and where it exists. The fiscal discussion is better suited for other rulemaking related to SB 762, when policy decisions will be made regarding the application of the WUI, that may create financial impacts - positive or negative. This RAC cannot, and should not, evaluate the potential impacts of those later decisions because we do not know how they will play out. Presuming the outcomes of those discussions could influence the focus of this RAC in a way that precludes future RACs from doing their work.</p> <p>* Additionally, when other/future RACs make decisions regarding the application of the WUI, and at that time appropriately consider fiscal impact, it will be important to consider positive as well as adverse impacts to properties. Presuming that designating a property to be in the WUI has only negative fiscal impact positions policy discussions toward</p>

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		<p>considered in developing those defensible space requirements, including: a purpose of wildfire risk reduction; consistency with but not exceeding an international code; best practices specific to Oregon; and application to 2 of the 5 wildfire risk map classifications – extreme and high – which have not yet been defined or mapped. Sections 18 (3)(e) and 21 provide that the Oregon Conservation Corps will be funded to undertake various community wildfire risk reduction programs in the WUI, which will undoubtedly reduce any potential fiscal impact but we cannot know yet the scale of those. These are just two examples of why it would be illogical to bring into this WUI definition RAC process any estimate of the fiscal impact(s) the various applications of the WUI might (or might not) have.</p>			<p>minimizing the benefits of that designation</p>
<p>Additional comments on section A: Scope and Charter</p>				<p>(5) has a typo - remove the word "both"</p>	
<p>Section B: Guiding Principles (Overall reflection on a 1-3 scale)</p>	<p>(2)</p>	<p>(2)</p>	<p>(1)</p>	<p>(1)</p>	<p>(2)</p>

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<p>Why did you select that number and what changes would you like made?</p>	<p>The policy provisions in 4) seem to extend beyond the definition and classification of the WUI boundaries. These are subjective policy decisions related to protection of forest resources and wildfire suppression. These policy choices do not seem to be directly germane to the presence and boundaries of the WUI, and should not be included or considered within the charter and its decision-making process.</p>	<p>Under “Guiding Principles,” number 4 -- Calling out section ORS 477.005 seems both too narrow and contrary to some aspects of the purpose of the bill. • First, as ODF explained in the RAC meeting, SB 762, including the WUI definition, extends beyond just ODF and forested lands. • Second, the bill calls for many more actions that are beyond or even contrary to “suppression.” See, e.g., SB 762 sec 18(1)(a): “[ODF] 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.”</p>			<p>Section 4, policy provisions. Including section 4 is contrary to Section 2, which is the clearest charge of this RAC. Sections 31-33 of SB 762 do not include any reference to 477.005, nor indeed does the rest of the legislation. The WUI definition does not have direct interaction with current, or adjusted, suppression or forest protection, or forest resources conservation policy. Interjecting this policy statement into this RAC veers from our main charge, and leads the committee to consider policy choices that are outside our purview. Similar to my comments on fiscal impacts, this policy discussion is only relevant to future RAC policy choices, and even then only tangentially so. This should be removed as it is contradictory to our charge.</p>
<p>Additional comments on section B: Guiding Principles</p>			<p>No</p>	<p>These are all good principles. I especially appreciate #1. I might have additional thoughts, but haven't yet see the rest of the document.</p>	
<p>Section C: Collaboration Protocols for RAC Recommendations (Overall reflection on a 1-3 scale)</p>	<p align="center">(1)</p>	<p align="center">(1)</p>	<p align="center">(1)</p>	<p align="center">(1)</p>	<p align="center">(1)</p>

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Why did you select that number and what changes would you like made?					
Additional comments on Section C: Collaboration Protocols for RAC Recommendations				Well done.	If RAC members are expected to follow these (good) models for participation, we need equal consideration given to us through those running the process. It is not good public process to receive a request to complete a survey at 4:55 on a Friday with a Monday noon deadline. That leaves only 4 business hours to complete a task, and this one a foundational to the entire process. The public has also not received the materials as promised in committee. I know bumps are getting worked out, but asking RAC members to prepare and set aside time for this process should not require weekend time and immediate turnaround deadlines. That is needlessly exclusionary.
Section D: Process for RAC Recommendations (Overall reflection on a 1-3 scale)	(1)	(1)	(1)	(1)	(1)
Why did you select that number and what changes would you like made?					

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<p>Additional comments on Section D: Process for RAC Recommendations</p>				<p>*I am unclear whether these votes are tallied of RAC members present, or total RAC membership. For example, if a vote is taken on a day that several members can't attend, does the number of a majority change?</p> <p>*Can this voting be done in a zoom poll or something a little less cumbersome than the chat? It is really difficult to see the result in the manner utilized in the last meeting.</p>
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