

# **EMERGENCY FIRE COST COMMITTEE MEETING**

January 6, 2026  
10:00 a.m.

## Teams Video Conference

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Meeting ID: 245 130 374 221 0

**Committee Members:** Brennan Garrets, Chair  
Kathryn VanNatta  
John Davis  
Erik Kranzush  
Bobby Corey  
Heath Curtiss, BOF non-voting

**Administrator:** Nancy Hirsch

## **Agenda Topics**

- 1. Call to Order**
- 2. Approval of the Minutes of November 26, 2025 Meeting** *[Decision Item]*
- 3. Determine the unencumbered balance of the fund as of the end of the preceding calendar year (ORS 477.760)** *[Decision Item]*
- 4. Repeal OAR 629-165-0000-0320** *[Decision Item]*
- 5. Fiscal year 27 – OFLPP distribution of payment to forest protection district budgets** *[Decision Item]*
- 6. EFCC | State Forester consult regarding the purchase of emergency fire suppression costs insurance** *[Information item]*
- 7. Administrator Report** *[Information Items]*
- 8. Public Comment / Good of the Order**

## EMERGENCY FIRE COST COMMITTEE

November 26, 2025

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 and via TEAMS video conferencing on Wednesday, November 26, 2025.

### **Committee Members Present**

Brennan Garrelts  
Kathryn VanNatta  
Bobby Corey  
Eric Kranzush  
John Davis (via TEAMS)  
Heath Curtiss, non-voting BOF representative (via TEAMS)

### **Others Present**

Nancy Hirsch, EFCC Administrator  
Lorna Hobbs, EFCC Finance Coordinator  
Kate Skinner, Interim State Forester  
Tim Holschbach, Interim Deputy State Forester  
Kyle Williams, Deputy Director of Fire Operations, ODF  
Michael Curran, Protection Division Chief, ODF  
Ron Graham, Deputy Chief of Operations, ODF  
Jenn Kroon, Administrative Specialist, ODF  
RyAnn Wilcox, Executive Support, ODF  
Shelby Berry, Administrative Specialist, ODF  
Ryan Miller, Sr. Policy Analyst, ODF  
Justin Lauer, District Forester, ODF  
Kelsey Ramos, Direct Bill Coordinator, ODF  
Deanna Drinkwater, Incident Business Advisor, ODF  
Rebecca Edmison, District Business Manager, ODF  
Don Everingham, Northwest Oregon Area Director, ODF  
Tyler McCarty, District Forester, ODF  
Blake Ellis, Fire Operations Manager, ODF  
Megan Fair, Incident Billings Coordinator, ODF  
Teresa Williams, District Forester, ODF  
Kim Titus, Protection Business Specialist, ODF  
Jerilee Johnson, Area Accountant, ODF  
Ole Buch, District Forester, ODF  
Karen Jarratt, District Business Manager, ODF  
Stacy Savona, Interim Fire Prevention & Policy Manager, ODF  
Kiel Nairns, Cost Recovery Specialist, ODF  
Levi Hopkins, Interim Deputy Chief of Policy & Planning, ODF  
Dominique Ray, Business Manager, CFPA  
Pat Skrip, District Manager, DFPA  
Jill Miller, Business Manager, DFPA  
Aaron Whiteley, Central Unit Forester, DFPA  
Rory Collins, Staff Forester, DFPA  
Sione Filimoehala, Policy & Budget Analyst, DAS  
Marie Hansen-Wargnier, Risk Management Consultant, DAS  
Chad Washington, OFIC  
Randy Hereford, Starker Forests  
Chris Mock, Lone Rock Resources  
Peggy Lynch, Oregon League of Women Voters  
Mike Dykzeul

#### **ITEM 1: Call to Order**

EFCC Administrator Nancy Hirsch called the meeting to order at 10:00 a.m. She welcomed everyone and introduced new committee members Bobby Corey, representing grazing landowners and Heath Curtiss, the Board of Forestry (BOF) non-voting representative. Administrator Hirsch explained that she would be chairing the meeting until a chairperson is elected under agenda item two. She also noted that this is the first meeting of the new Emergency Fire Cost Committee (EFCC) since the passage of House Bill 3940 (HB 3940) in the 2025 legislative session that resulted in changes to the committee's membership, its fiduciary responsibilities and purpose. The new law shifts the committee's focus from large fire costs to preparedness, essentially towards district and association fiscal budgets. The committee also retains its strategic investment authority. She said the committee will be considering policies to ensure alignment with HB 3940.

#### **ITEM 2: Select Chair**

EFCC Administrator Hirsch explained that Section twenty-one (21) of HB 3940 states that the Emergency Fire Cost Committee shall meet and elect one of its members as chairperson. She asked for nominations for the position and a motion.

Committee member Eric Kranzush expressed his appreciation to the previous chair, Brennan Garrets for his years of service to the citizens of Oregon, serving as chair of the committee. He said Brennan's hard work and dedication contributed to the success of the committee and that under his leadership the committee is in good standing with the Board of Forestry, landowners and citizens statewide. Committee member Kranzush made a motion to select Brennan Garrets as chair of the EFCC.

Committee member John Davis seconded the motion. Chair Garrets was selected unanimously.

#### **ITEM 3: Approval of the Minutes of the September 2, 2025 Meeting**

Committee member Kathryn VanNatta made a motion to approve the minutes as presented. Committee member John Davis seconded the motion. The item was approved unanimously. Committee member Bobby Corey abstained from the vote since he was not on the committee at the time.

#### **ITEM 4: Fire Season Report**

Michael Curran, Fire Protection Division Chief for the Oregon Department of Forestry (ODF) provided a report on the 2025 fire season. He said he has been in his current position for ten months and is in his twentieth year with the agency with most of his time spent at the local district level. He expressed his appreciation to district and Salem staff, ODF incident management teams, landowners, operators and all partners within the system for how seamlessly the complete and coordinated system works across the state.

Chief Curran explained that throughout the winter and early spring moisture totals were good in terms of rainfall and snowpack, which in April resulted in Oregon being drought free for the first time since 2017. Unfortunately, around the second week of April, things began drying out more quickly than expected. This resulted in an early start to fire season with continued lightning events throughout the summer. He noted that the 2025 fire season was an average fire season in terms of initial attack but pointed out the impact to the public with the significant loss of structures particularly on the Rowena and Flat fires. Fifty-six (56) primary structures were lost on the Rowena fire.

Chief Curran noted that lightning during the season was the most seen in well over a decade, but most of the lightning came with moisture. There were 177 more fires than the ten-year average, but total acres burned were only eight percent of the ten-year average. He explained that the benchmark for the number of fires kept at ten acres or less is ninety-eight (98) percent and the percentage for fire season 2025 was ninety-four (94) percent. He said this performance measure has been difficult to achieve given the increase in fire activity over the past several years and the department is working on a strategy over the next two to three years to explore other ways to better measure success.

During the fire season there were over 3,700 response calls, which includes statistical fires; mutual aid fires with ODF partners; and/or non-fire crew actions, responding to smoke such as a regulated use violation. There were six ODF Incident Management Team (IMT) deployments across the state.

The first IMT deployment of the season was to the Rowena fire mentioned previously. Another deployment was to the Grizzly Complex fire that covered seventy-two (72) fires across Southwest Oregon. The team managed some of the fires within the complex and the district managed the majority. The fire was challenging due to the logistics needed for the large geographic area it covered. Chief Curran also discussed the Flat fire which was one of the most complex fires in the nation this summer given the vicinity to Sisters and the impact to neighborhoods and homes. He added that mitigation efforts in the area helped to catch the fire before it got into the community of Sisters, which will help inform mitigation strategies moving forward. Another fire managed by an ODF IMT was the Kelsey fire due to the challenging terrain where the fire was located. ODF IMTs were deployed for a total of seventy-three (73) days with over 350 people from across the agency working on the fires.

Chief Curran discussed the Northwest Compact and state-to-state agreements the agency uses when additional resources are needed. 183 personnel from seventeen (17) states and Canada came to Oregon to assist. He said personnel from California came in early July when two teams were deployed back-to-back and helped manage one fire that allowed ODF staff to focus on the Elk fire in Klamath Falls. They also provided guidance related to arson investigations.

Chief Curran provided some statistics from the fire season: sixty-nine (69) percent of fires were human caused, which is four (4) percent more than the 10-year average; and lightning caused fires were up sixty-seven (67) percent from the 10-year average. He also presented two graphs that showed acres burned over the past couple decades on ODF protected lands and across all jurisdictions. Chief Curran talked about safety and showed the number of incidents each month and the most common injuries reported. He said he was impressed with how staff across the agency prioritizes safety and the minimal number of safety issues reported.

Chief Curran discussed fire costs for fire season 2025. The agency has spent roughly \$130 million in gross costs this year with a net of \$60 million after reimbursable costs such as FEMA, other federal agencies or responsible party cost collections. He mentioned the recent changes to the EFCC eligibility policy put into place this fire season that helped to separate suppression costs, which are unknown, from readiness costs for better budget management. He noted that the cost for this fire season seems a bit high for a normal fire season and likely is due to the change to the eligibility policy. He said that there will be some minor changes in eligibility requirements as large fire costs shift to the Large Wildfire Fund. He added that he still sees a role for EFCC in large fire.

Chief Curran discussed some other matters the Protection Division is working on including implementation of HB 3940, which left a shortfall in funds until the next biennium to cover centralized administrative costs. The agency will ask for funding in the upcoming short legislative session to cover those costs. The Division is also working on how the Oregon Forestland Protection Fund (OFLPF) dollars will flow into district budgets as part of the implementation of HB 3940. Chief Curran also discussed the General Fund Divergence Workgroup that is working on identifying drivers causing budget shortfalls and developing a solution for adequate funding in the short-term. He added that going forward, budget instructions for the Protection Division will have clearer sideboards with the goal of keeping costs within the budget.

Chief Curran also talked about the conflicting statutes that, on one hand, mandates agencies to stay within their biennial budget, and on the other, directs the agency to provide an adequate level of protection across the state. The agency has formed a work group consisting of internal and external members to update the Protection Standards Policy, which includes a new protection standards review process for districts and identifying the data needed to support requests for additional capacity. The goal is to have the new policy in place by the end of the year with the strategy of having two (2) or three (3) districts going through a review initially to test it out and identify any issues or needed changes. He noted that districts will request reviews when they are needed and that this is an opportunity for EFCC engagement.

Lastly, Chief Curran provided some information regarding the consolidation of federal fire agencies that is a result of an executive order. He explained that the effort has been scaled down some and will now be the unification of Department of Interior agencies, including the Bureau of Land Management (BLM), US Fish and Wildlife Service, Bureau of Indian Affairs (BIA) and the National Park Service to become the US Wildland Fire Service. The US Forest Service under the Department

of Agriculture will maintain their own fire program. Chief Curran said there are still a lot of unknowns out there while details are still being worked out.

Chair Garrelts asked Interim State Forester Kate Skinner for additional comments.

Interim State Forester Skinner thanked everyone involved with the implementation of HB 3940 and welcomed the new EFCC members. She added that regarding the federal agencies' unification, there has been optimism expressed by the state foresters' representative, Greg Smith, who is involved with the effort.

Chair Garrelts expressed his appreciation for the successful fire season given the challenging year and the leadership provided. He added that EFCC members' experience working with district and association budgets can provide ODF with their expertise as the department works through finding solutions to new challenges.

Committee member Bobby Corey mentioned his experience with CalFire staff in Eastern Oregon and the importance of bringing in resources through state-to-state agreements and the Northwest Compact.

Committee member John Davis expressed his appreciation for the aggressive initial attack over the summer.

Chief Curran said the four (4) million dollars received under HB 3940 provided the flexibility to bring the CalFire resources to Oregon for a couple weeks

Committee member Erik Kranzush thanked Chief Curran for welcoming the EFCC onto the divergent work group and the opportunity to review the agency budget from a different perspective. He appreciates Chief Curran's leadership with the group and asking the difficult questions.

Chief Curran added that there's a lot more work to be done and there will be some pain felt in the short term to get to the long-term goal.

#### **ITEM 5: EFCC new role in statewide protection system resulting from HB 3940**

Chair Garrelts talked about the committee's new role within the Oregon statewide protection system and said the committee has a significant fiduciary responsibility representing landowners paying into the system and every decision must honor them. Moving forward, the committee's focus will no longer be on large fire costs but will be responsible for auditing district budgets against adequate level of protection standards, maintaining engagement in large fire cost audits in partnership with ODF, and providing financial assistance when critical needs arise through loans from the fund, whether to ODF or to the operating associations. He said these responsibilities are essential to sustaining operational readiness and financial stability across the protection system. Additionally, but no less importantly, the committee will continue to guide strategic investments that strengthen preparedness across all districts.

Chair Garrelts discussed work needed by the committee to establish policies and formal rulemaking to provide clear guidelines for the committee's new responsibilities. He added that the guidelines need to be consistent, fair and transparent for stakeholders to ensure the committee's alignment with HB 3940 with an eye towards long-term success financially and operationally. All this must support a wildfire protection program that enhances preparedness and reinforces Oregon's unique public/private firefighting model, which is nationally recognized.

Chair Garrelts asked Deputy Director Williams and Chief Curran for their perspectives of the new committee and their insights into the operational priorities and statewide coordination to help understand how EFCC's new role can be translated into action, both at the state and district levels.

Deputy Director Williams reiterated Chair Garrelts comments regarding the critical nature of the partnership between landowners and ODF. He discussed the history of the committee and how the environment today is nothing like it was in 1960, let alone in 1930 when the fund was established. He said he sees EFCC having a role in reviewing budgets, delivery of services and the organization of the agency; providing legislative support; and as mentioned previously, participating on the divergence workgroup.

Chief Curran added that accountability is a key piece of the complete and coordinated system to ensure things are working the way they should and the EFCC will play a big role in this.

**ITEM 6: Repealing OARs – initiating public hearing – resulting from HB 3940**

Committee Administrator Nancy Hirsch explained that with the passage of House Bill 3940, the current OFLPF administrative rules are no longer relevant. The proposal before the committee is to repeal rules under chapter 629, division 165, sections 000 through 0320. Administrator Hirsch provided a summary of the rules to be repealed. She said, if approved, staff will proceed with the rulemaking process, including a public hearing tentatively scheduled for December 18<sup>th</sup> with the goal of bringing the item back to the committee for final approval to repeal to rule language.

Committee member John Davis made a motion to initiate the rulemaking process. Committee member Eric Kranzush seconded the motion. The item was approved unanimously.

**ITEM 7: Rescind Eligibility for Firefighting Costs for the OFLPF Policy resulting from HB 3940**

Chair Garrels explained that, with the passage of HB 3940, the EFCC OFLPF authority has shifted from paying for emergency fire costs to district budgets and there's no longer any authority needed for the policy. He added that it is good governance to not leave things "on the books" that are no longer relevant and asked for a motion to rescind the Eligibility for Firefighting Costs for the OFLPF policy.

Committee member Bobby Corey moved to rescind the policy. Committee member John Davis seconded the motion. The item was approved unanimously.

**ITEM 8: Work group discussion**

Chair Garrels discussed the need to establish workgroups to work on recommendations to bring to the full committee for the development of policy and administrative rules as discussed previously. He said his vision is to establish collaborative work groups that include EFCC members, EFCC staff and ODF representatives. These groups should focus on creating a framework to guide the committee's work that includes a work plan and a draft framework for rule concepts with some options for the committee's deliberation and decisions on what to move forward to rulemaking. For the development of policy and standards, Chair Garrels said committee staff can support this work and that he will work with Nancy to ensure this work is addressed and brought back to the full committee for discussion and final direction.

He said there are two (2) statutes that the committee needs to address. One is ORS 477.760 which is to adopt rules relating to the administration of the Oregon Forestland Protection Fund under its new charge, as well as annually determine the unencumbered balance of the fund as of the end of the preceding calendar year. This is a process that was previously done under the existing fund, but now that there is a new direction for those monies, rules need to be reestablished. The other statute is ORS 477.770, which is to set forth a process for reviewing the distribution of monies from the fund and establishing best practices for reviewing forest protection district budgets and emergency fire suppression costs.

Chair Garrels said this will be a heavy lift and sees these as two (2) separate items. He said the work needs to begin in January and will be a priority in the coming year. Administrator Hirsch will follow-up with committee members to identify their areas of interest and their top three (3) priorities. He noted that the workgroups will only have two (2) committee members at any given time to avoid a quorum which violates the public meetings law. He added that deadlines need to be established to move the process forward so that by the close of the coming calendar year, the committee has good direction and policies in place.

Committee Member Kathryn VanNatta asked for clarification on the number of workgroups to be established.

Chair Garrels said there likely could be three (3) workgroups, but that may change based on input received from committee members. He added that the workgroups need to be set in the most efficient and practical way possible and that it may be more efficient for one topic in particular to be broken up, whereas others can get lumped together.

Committee Member Kathryn VanNatta wanted to note that the committee is embarking on new territory and will need some flexibility as it seeks to understand its new roles and responsibilities during the rulemaking process.

Chair Garrels added that the workgroups will be providing options for the full committee's discussion and deliberation and there will be opportunities for those not on the work groups to have input. And, for those that need formal rule making, the formal public rule making process will be followed for that once the committee decides what to move forward. There will be that opportunity as well.

#### **ITEM 9: Update EFCC Membership Policy consistent with HB 3940**

Committee Administrator Nancy Hirsch explained that the EFCC membership policy was being presented to the committee for approval of the proposed updates, which are needed to address statute changes in HB 3940 from the 2025 legislative session. The committee was provided with copies of the proposed changes, with and without tracked changes, in their meeting materials.

Administrator Hirsch reviewed the proposed changes:

**Authority** – removed the language, “members; terms; vacancies” that were removed in HB 3940.

**Definitions** – three (3) definitions were added, one for the grazing landowner, another for large forest owner, and a definition for small forest owner. All of these are consistent with the bill language. Administrator Hirsch noted that on a previous version of the policy that was sent out, there was a typo under the small forest landowner, subset “A” where it had 500 instead of 5,000. This has been corrected.

**Responsibilities** – language was added stating the Board of Forestry shall appoint six members to the committee, including one non-voting member and five voting members; added language stating that the committee may make recommendations to the board concerning minimum qualifications for serving on the committee; and lastly added language stating that the committee may establish standards, requirements or procedures that the committee considers necessary for effective administration of the committee. This language was in HB 3940.

**Standards** – language was changed from four (4) to five (5) to reflect the new number of committee members that are appointed for four-year terms.

**Committee chairperson, Statutory requirements** – removed “chairperson will hold office for a period determined by the committee” to be consistent with the law.

#### **Committee membership:**

**Statutory requirements** – added the following language:

- Two members who are representatives of large forest owners
- One member of small forest owner
- One member who is a representative of grazing land as defined in ORS 477.205
- One member appointed at-large to represent the groups already identified.

These landowners must be assessed for forest fire protection within a forest protection district. And, language was added to address vacancies on the committee, consistent with the statute.

**Minimum experience and Representation** – language was added to address the addition of the grazing landowner on the committee.

**Membership recruitment and application** – language was added to address vacancies on the committee and added the Oregon Cattlemen's Association, Oregon Farm Bureau, Oregon Sheep Growers Association, Oregon State Grange and Oregonians for Food and Shelter to the outreach process to receive recruitment notifications.

**Exceptions, Exemptions, and Conditions** – were housekeeping changes that bring the membership policy in alignment with HB 3940.

Administrator Hirsch concluded with a recommendation that the EFCC adopt the proposed changes to the EFCC membership policy effective November 26, 2025.

Chair Garrels noted that the definitions of large and small forest landowners mirror that which is already in statute. He asked if committee members had any comments or questions on this agenda item.

Committee member Heath Curtiss noted that there was an additional bullet on the bottom of the second page of the policy that needed to be corrected when finalized.

Committee member Eric Kranzush moved to adopt the proposed changes to the EFCC membership policy with the formatting correction as discussed. Committee member Bobby Corey seconded the motion. The item was approved unanimously.

#### **Item 10: 2026 meeting schedule**

Chair Garrels explained that meetings of the EFCC statutorily must occur quarterly and special meetings may be called by the chairperson or by a majority of the voting members. He stated that the act or decision of a majority of the voting members shall be deemed as an act or decision of the committee. This is also in statute.

He said meetings for 2026 have been scheduled for January 6, March 3, June 2 and September 8, which are Tuesdays before Board of Forestry meetings. He added that with the passage of HB 3940, the committee does have more flexibility in scheduling and no longer is required to meet the day before the Board of Forestry meetings, however, this schedule works best for ODF staff.

#### **Item 11: Administrator Report**

Committee Administrator Nancy Hirsch mentioned that under the prior EFCC, there had been ongoing work to reconcile prior fiscal years and over the summer staff had two (2) to three (3) meetings with ODF staff, but there was nothing new to report.

She noted that with all the policy changes, the work of EFCC staff is also changing. She said staff remains flexible and is looking forward to rolling up their sleeves and supporting the work of the committee to set the foundation for the future. She added that she would follow-up with committee members the following week relative to the workgroup discussion.

#### **Item 12: Public Comment**

Peggy Lynch with the League of Women Voters of Oregon asked for clarity on the budget issues discussed and whether there would be a legislative request in 2026 to address the shortfall given the downward revenue forecasts.

Chief Curran responded that there would be a request for additional funds for 2026 during the short session, but it is not clear, yet what that will look like. He added that the agency is tracking the downward revenue forecast that recently came out. He said there are conversations going on for what that will look like and to set it up for success. He said that with the recent forecast there is no certainty that the agency will receive the money.

Committee member Bobby Corey expressed his appreciation for the opportunity to be a part of the new EFCC, and he looks forward to rolling up his sleeves moving forward with the new direction of the committee.

Chair Garrels welcomed him and said that he was glad to have representation from the grazing community on the committee and that it makes for a stronger committee.

Chair Garrels adjourned the meeting at 11:19 a.m.

**Agenda Item 3. Determine the Unencumbered Balance of OFLPF as of December 31, 2025**

<b>December 31, 2025</b>		
<b>Oregon Forest Land Protection Fund (OFLPF) Unencumbered Balance</b>		
OFLPF Cash Balance on December 31, 2025	\$ 11,262,296.76	
Estimated Revenue through December 31, 2025	\$ -	
Expenditures and Transfers Out through December 31, 2025		\$ -
Payroll and Operating Expenses (July 1, 2025 - December 31, 2025)		\$ (88,308.98)
Total Revenue and Expenditures	\$ 11,262,296.76	\$ (88,308.98)
<b>Unencumbered Balance of the Oregon Forest Land Protection Fund</b>	<b>\$ 11,173,987.78</b>	

## **Agenda Item 4 – Oregon Forest Land Protection Fund proposed rules repeal**

### **SUMMARY**

The purpose of this agenda item is to seek the Emergency Fire Cost Committee (EFCC) adoption of the proposed administrative rule repeal to Chapter 629, Division 165. This is a decision item.

### **BACKGROUND**

The repeal of rules was prompted by statute changes made by House Bill 3940 in the 2025 Regular Legislative Session.

### **RULE REVIEW TIMELINE**

- November 26, 2025 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State to publish in their December Bulletin. Legislators and interested parties notified.
- December 15-January 1, Public comment period.
- December 18, 2025 – Conducted public hearing.
- January 6, 2026 – Administrator submits the final rule draft language with public comments to EFCC for final consideration and approval.
- January 20, 2026 – if EFCC approves rule repeal on January 6, rule would take effect on January 20.

### **ANALYSIS**

The notice of the rule making was consistent with the [EFCC procedural rules](#). The public comment period was open December 15 – January 1, 2026. Two public comments were received (Attachment 2). One commenter appeared to be responding to the ODF's proposed rule changes to their forest management plan. The comment was shared with ODF and made a part of their public comment record too. The other commenter supported the effort to remove outdated regulatory language and made two requests which you can see in the attachment about future policy work and communication.

The public hearing was on December 18 and no comments were received. One member of the public was present. The Hearing Officer's report is Attachment 1.

The final rules are in Attachment 3 (Track Changes) and Attachment 4. Following is a summary of the changes:

#### **629-165-0000 – Definitions**

*The proposed repeal eliminates all the definitions, which have been changed or no longer have merit since passage of HB 3949.*

#### **629-165-0010 – Additional Amount Not Considered Emergency Fire Suppression Costs**

*The proposed repeal eliminates any nexus to daily deductibles that were removed in HB 3940.*

**629-165-0100** – Deductibles — Amount per Acre

*The proposed repeal eliminates any nexus to acre deductibles that were removed in HB 3940.*

**629-165-0210** – Transfer of Funds from State Treasurer

*The proposed repeal eliminates borrowing money from the State Treasurer because of the changes that were made in HB 3940. The new law shifts the committee's focus from large fire to preparedness where expenditures will not exceed revenues.*

**629-165-0300** – Claims Processes — Evidence of Necessity

*The proposed repeal eliminates any nexus to payments claimed from the fund for emergency fire costs that were removed in HB 3940.*

**629-165-0305** - Qualifications for Payment

*The proposed repeal eliminates language for any qualifications for payment of emergency fire costs from the fund because of changes in HB 3940.*

**629-165-0310** – Payments for Fire Suppression Costs

*The proposed repeal eliminates any payments or claim of emergency fire costs from the fund because of changes in HB 3940.*

**629-165-0315** – Collection — Approval

*The proposed repeal eliminates language no longer needed that was updated in HB 3940. This relates to the collection of fire suppression costs from a responsible party, which is spelled out now in HB 3940.*

**629-165-0320** – Reimbursement to Account

*The proposed repeal eliminates language no longer needed related to districts retaining a certain amount on reimbursements not paid for by the OFLPF because of changes in HB 3940. These costs should now be eligible for reimbursement from the new large fire fund.*

**RECOMMENDATION**

The EFCC directs the Administrator to proceed with the promulgation of the proposed rule repeal as presented in the draft rule language for Chapter 629, Division 165 (Attachment 3 & 4).

**NEXT STEPS**

**Pending the EFCC direction**, the Administrator will coordinate with the Oregon Department of Forestry to submit the rule package to the Secretary of State and Legislative Counsel for filing.

**ATTACHMENTS**

1. Hearing Officer Report
2. Written comments
3. Division 165 administrative rules Track Change
4. Division 165 administrative rules

**Date:** December, 18 2025

**To:**

**From:** Matt Mackey

**Subject:** EFCC – Rule Repeal Overview

### **Hearing Information**

**Proposed Area:**

Statewide

**Hearing Date & Time:**

December 18, 2025 at 10:00 am.

**Hearing Location:**

Virtual Teams meeting

**Written Comments Due:**

**Hearing Authorized:**

**Hearing Officer:** Matt Mackey, Policy Coordinator

The Public Hearing on was formally convened, and info session began at 10:06 a.m. virtually.

At 10:07 a.m. general intro to the hearing/instruction was given.

At 10:10 a.m. formal hearing began and at 10:12 a.m. the hearing concluded, and the meeting was closed.

### **Summary of Oral Comments**

No public comment was received during the hearing.

### **Summary of Written Comments**

No written comments.

/s/ Matt Mackey  
Matt Mackey, Policy Coordinator

Public Comments received

Change of forestry rules:

I was not able to get into the above mentioned website to leave a comment without joining something and a lot of internet round about. I hope this is not discouraging people from commenting. I hope it was not meant to discourage our comments, and that you will include mine in the official reports.

That said, I believe our state lands should belong tp the people, not the timber companies. We need forests, not tree farms. We also need to guard the few old growth and fully mature forests that we still have as the priceless treasures that they are. They are much more valuable than anything sitting in a museum. I remember driving to the coast through the smoldering ruins of the Tillamook Burn, and being promised that those trees would be replanted, and would be for us to enjoy. Now I see them being demolished. We need our forests, not short sighted timber profits.



Helping to Build a Better World

29100 SW Town Center Loop W • Suite 300

Wilsonville, OR 97070-9315 USA

800.329.1219

Oregon Department of Forestry  
EFCC Administrator  
2600 State Street  
Salem, OR 97310

December 18, 2025

**RE: Public Comment on Proposed Rule Repeal Related to the Oregon Forest Land Protection Fund (OFLPF)**

Dear Ms. Hirsch,

Collins is a fifth-generation, family-owned company that operates sawmills and manages 370,000 FSC®-Certified acres of forestland in Oregon, California, and Pennsylvania, with 112,000 of those acres being in Oregon. Collins appreciates the opportunity to provide public comment on the proposed repeal of administrative rules related to the Oregon Forest Land Protection Fund (OFLPF), prompted by statutory changes enacted through House Bill 3940 during the 2025 Legislative Session.

We support this effort to remove outdated regulatory language and streamline the framework under which wildfire protection funding is administered, and have two requests:

1. Engage industrial landowners as the agency evaluates future policy or rulemaking steps related to wildfire protection funding.
2. Provide clear communication regarding how wildfire protection cost-share responsibilities will function going forward, particularly for private landowners. As the rules implementing OFLPF are repealed, landowners would benefit from additional guidance on any changes to assessments, billing processes, or service expectations under the new framework.

Private landowners play a critical role in maintaining healthy, fire-resilient forests across Oregon. Collins values our long-standing relationship with ODF and remains committed to collaborative approaches that strengthen Oregon's wildfire protection system.

Sincerely,

Galen Smith  
Collins, VP Resources

Department of Forestry

Chapter 629

Division 165

OREGON FOREST LAND PROTECTION FUND

**629-165-0000**

**Definitions**

~~The definitions set forth in ORS 477.001 are made a part of this division by this reference; and the following definitions also apply:~~

- (1) "Administrator" means a staff member of the State Forestry Department designated by the State Forester to act as secretary of the committee and to carry out the provisions of ORS 477.440 to 477.460 in such manner as the committee shall direct.
- (2) "Committee" means the Emergency Fire Cost Committee established pursuant to ORS 477.440.
- (3) "District" means a forest protection district pursuant to ORS 477.225.
- (4) "Emergency fire" means a statistical or threat fire.
- (5) "Emergency fire suppression costs" means those fire suppression costs attributable to an emergency fire.
- (6) "Fiscal year" means the period beginning July 1 of any year and ending June 30 of the next year.
- (7) "Oregon Forest Land Protection Fund (OFLPF or the fund)" means that account established in the State Treasury as a trust fund for the purpose of equalizing emergency fire suppression costs and other listed purposes pursuant to ORS 477.750 to 477.775.
- (8) ~~Statistical Fire—A fire requiring suppression action by the Forester or cooperating agencies if it meets one of the following three conditions:~~
  - (a) ~~The fire originates on paying forestlands within the forest protection district, including but not limited to:~~
    - (A) ~~Fires occurring on Bureau of Land Management (BLM) lands identified in the ODF/BLM Western Oregon Operating Plan.~~
    - (B) ~~Fires occurring on federal lands identified in a protection offset agreement for which the Forester has the suppression responsibility.~~

(b) The fire originates on land protected by another agency or in another protection district, and spreads into the reporting protection district.

(c) The fire originates on land outside of the protection district but the fire spreads towards forestland or is determined by the Forester to be a threat to paying forestland, and:

(A) The fire is not within the boundaries of another protection agency, or;

(B) The fire is within another protection agency boundary; however, suppression is clearly needed to prevent the spread of fire to paying forestland. (This does not include suppression action provided by agreement or pre-planned dispatch.)

(9) Threat Fire – A fire originating on land outside of a protection district but spreads towards forestland or is determined by the Forester to be a threat to paying forestland. Threat fires require a district written request to the OFLPF administrator explaining the circumstances requiring fire suppression action and an explanation of costs and why the incident should be considered eligible for Emergency Fire Cost reimbursement.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0010**

**Additional Amount Not Considered Emergency Fire Suppression Costs**

(1) It is a policy of the committee that a district is expected to pay \$25,000 day/per fire if emergency fire costs exceed \$25,000 based on the following:

(a) If multiple fires occur on the same day within a district, only one additional amount of \$25,000 may be applied to the sum of the costs of all the fires that began on that day.

(b) If any individual fire or group of fires that began on the same day (or from the same lightning storm that continues into a second day, at the discretion of the committee) burns past midnight, or the suppression action continues for multiple days, only one additional amount of \$25,000 may be applied to the sum of the costs of those fires.

(c) If one fire or a group of fires begin on one day and suppression action continues for multiple days, and then a new fire or group of fires begin on a different day, an additional amount of \$25,000 may be applied to each day that new fires are ignited.

(2) The additional amount described in section (1) may be modified or waived by the committee if conditions so warrant. Conditions that may warrant modification or waiver include, but are not limited to:

(a) The unencumbered balance of the fund is determined to be in excess of the reserve base established in ORS 477.760;

(b) A district requesting waiver has over-expended the regular protection budget for the year in which the waiver request is made;

(3) If the additional amounts described in section (1) of this rule directly result in an increase in a district's annual budget greater than fifteen cents per acre on timberland or six cents on grazing land, the committee may waive that part in excess of these amounts. It is the committee's intent that the maximum effect of section (1) of this rule on a district budget will be limited to an additional fifteen cents per acre on timberland and six cents per acre on grazing land.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

#### **629-165-0100**

##### **Deductibles—Amount per Acre**

Emergency fire suppression costs are subject to a deductible amount based on protected acres in the district. The committee shall establish the deductible amount for each district on or before January 15 of each year. The deductible amount shall be an amount for each acre covered by the timber budget and an amount for each acre covered by the grazing budget established under ORS 477.230, but may not exceed the limit established under 477.770.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

#### **629-165-0200**

##### **Fund Balances—Unencumbered Balance**

(1) ORS 477.760(1) requires the committee, on or about the last day of February of each year, to meet and determine the unencumbered balance of the fund as of February 16 of the same year.

(2) The meeting to determine the unencumbered balance will normally occur at the regularly scheduled meeting of the committee prior to the Board of Forestry meeting in early March.

(3) The unencumbered balance of the fund shall be calculated as the actual cash balance in the state treasury on February 16, less the best available estimate of eligible suppression cost claims for fires occurring before February 16, but not yet paid; less estimated administrative

expenses through February 16, but not yet paid, less any other anticipated payments known to the committee at that time due for expenses committed prior to February 16, but not yet paid.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0210**

**Transfer of Funds from State Treasurer**

(1) Pursuant to ORS 477.760 (2), the committee is authorized to request a transfer of funds from the State Treasurer to the OFLPF at any time and in any amount that does not cause the fund to exceed the reserve base specified in ORS 477.760 (1).

(2) To minimize the effect of repayment of transfers on the landowner community, it is the committee's intent that the amount of transfer requested should be limited to an amount by which known and anticipated claims will exceed the sum of the cash balance in the fund and the anticipated revenues for the remainder of the fiscal year.

(3) If the monies in the OFLPF are inadequate to ensure repayment of the transfer and the interest thereon, the State Forester must increase the assessments, surcharge and harvest tax in equal proportions for the ensuing fiscal and calendar years, respectively, adequate to make repayment of the transfer:

(a) The increase in assessments in the next fiscal year will apply to:

(A) The surcharge on improved lots referred to in ORS 477.277;

(B) The OFLPF portion of the minimum assessment referred to in ORS 477.295; and

(C) The acreage assessments referred to in ORS 477.880.

(b) The increase in taxes in the next calendar year will apply to the forest products harvest tax referred to in ORS 321.015(2).

(4) Negotiations for and approval of any transfer should be completed as soon as practicable after February 16 of any year that a transfer is necessary, to allow the State Forester sufficient time to meet the requirements of ORS 477.760, requiring increases to assessment, surcharge and harvest tax rates for the ensuing fiscal and calendar years, respectively.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0300**

**Claims Processes — Evidence of Necessity**

When payment is claimed from the fund for emergency fire suppression costs incurred on a fire where an owner, operator or other person has an obligation to pay those costs pursuant to ORS 477.068, 477.085 or 477.120, the district warden must provide evidence to the administrator supporting the necessity of advancing payment, pending ultimate resolution. Evidence which may be acceptable to the administrator must include, but is not limited to:

- (1) A statement signed by the district warden stating the entity responsible for fire suppression costs has refused to accept responsibility or is unable to pay fire costs;
- (2) A notification to the administrator that fire cost recovery proceedings have been initiated against an owner, operator or other person that has an obligation to pay fire suppression costs;
- (3) A statement from an authorized State Forester's staff member or by an assistant attorney general that fire suppression costs are deemed uncollectible. This statement must include the reason for the decision; or
- (4) A statement by a district warden that recovery of fire costs appears to be assured, but delays in the recovery process will make it necessary to support the district's financial resources until costs can be processed, the responsible party is billed and payment is received.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0305**

**Qualifications for Payment**

- (1) The administrator must pay only those emergency fire suppression costs as described in this rule, incurred by a district during the fiscal year, if the district has first expended for similar or other emergency fire suppression costs the deductible amount described in OAR 629-165-0100.
- (2) When a fire originates in one fiscal year and continues burning in a subsequent fiscal year, all emergency fire suppression costs for that fire shall be included in the expenditures for the year in which the fire started.
- (3) Emergency fire suppression costs eligible for payment by the OFLPF include, but are not limited to labor, services, transportation, supplies, reconditioning and rental equipment, and expenses incurred for the recovery of fire suppression costs.

(4) Emergency fire suppression costs, where applicable, are based on the wage rates and equipment rental rates approved by the State Forester.

(5) Notwithstanding section (3) of this rule, the committee may further limit qualifying emergency fire suppression costs through approved policy.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0310**

**Payments for Fire Suppression Costs**

(1) The administrator must pay to any district an amount from the fund equal to the emergency fire suppression costs such district has qualified for under OAR 629-165-305. The payment shall be 100 percent of the itemized certified costs unless otherwise determined by the committee.

(2) In the event the administrator makes a payment under section (1) of this rule that is less than 100 percent of the itemized and certified emergency fire suppression costs, final payment must not be made until all emergency fire suppression cost claims against the fund have been submitted for the subject fiscal year.

(3) Each payment under section (1) of this rule is a conditional payment until:

(a) All emergency fire suppression cost claims against the fund have been submitted for the subject fiscal year;

(b) The administrator has audited the claims; and

(c) The committee has approved the audited claims.

(4) The district must reimburse the fund for any conditional payments that are disapproved by the committee.

(5) In addition to sections (1) to (3) of this rule, any payment made by the administrator to a claimant, shall be conditioned on proceedings being brought to recover fire suppression costs from parties liable thereto under ORS Chapter 477 or other law.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0315**

**Collection—Approval**

If a district warden or other representative of the State Forester initiates collection of fire suppression costs from a responsible party under ORS 477.068-477.085 or 477.120, prior to acceptance of any payment for such suppression costs, the district warden or forester must first secure the approval of the administrator, if:

- (1) Such fire suppression costs include moneys which have been advanced by the administrator to a district from the fund;
- (2) Such settlement will affect the amount otherwise payable from the fund to a district; or
- (3) Such settlement will affect the amount otherwise reimbursable by a district to the fund.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

**629-165-0320**

**Reimbursement to Account**

Whenever a district or the forester receives payment pursuant to ORS 477.068, 477.085 or 477.120, the district shall retain an amount equal to the emergency fire suppression costs not paid by the administrator from the OFLPF, but eligible for payment, and reimburse the fund with the remainder, if any. Any such reimbursement shall in no event exceed the amount paid by the respondent.

**Statutory/Other Authority:** ORS 321, 477 & 477.770

**Statutes/Other Implemented:** ORS 183.335, 183.341, 477.440 - 477.460 & 477.750 - 477.775

Department of Forestry

Chapter 629

Division 165  
OREGON FOREST LAND PROTECTION FUND

# Assessment Collection Rate Averages

Budget Unit	ACC Assessment Collection Rates															
	FY2018		FY2019		FY2020		FY2021		FY2022		FY2023		FY2024		FY2025	
	Timber %	Grazing %	Timber %	Grazing %	Timber %	Grazing %	Timber %	Grazing %	Timber %	Grazing %	Timber %	Grazing %	Timber %	Grazing %	Timber %	Grazing %
COD	88.13%	100.06%	98.04%	100.46%	92.44%	90.91%	116.70%	117.94%	94.75%	105.33%	100.17%	100.66%	98.34%	98.01%	100.47%	97.58%
KLD	96.88%	96.92%	96.21%	96.01%	100.43%	99.86%	97.07%	105.85%	99.66%	97.96%	92.99%	116.86%	97.31%	102.12%	91.07%	98.65%
NCAS	97.15%	0.00%	98.12%	0.00%	98.65%	0.00%	108.31%	0.00%	85.62%	0.00%	97.40%	0.00%	96.40%	0.00%	94.33%	0.00%
NEO	98.89%	98.24%	93.49%	93.21%	102.71%	103.25%	97.20%	91.84%	96.46%	98.26%	95.01%	92.27%	92.73%	93.13%	101.00%	102.30%
NWOD	96.12%	0.00%	98.65%	0.00%	103.48%	0.00%	101.81%	0.00%	92.51%	0.00%	92.05%	0.00%	98.37%	0.00%	97.35%	0.00%
SCAS	97.68%	0.00%	97.18%	0.00%	100.53%	0.00%	92.73%	0.00%	99.54%	0.00%	99.20%	0.00%	99.47%	0.00%	96.81%	0.00%
SWO	96.93%	96.83%	94.90%	94.80%	99.69%	99.69%	97.17%	85.75%	97.55%	104.78%	89.63%	207.13%	93.07%	90.18%	96.74%	105.23%
WLD	97.15%	0.00%	96.16%	0.00%	99.91%	0.00%	97.54%	0.00%	95.16%	0.00%	97.51%	0.00%	106.50%	0.00%	105.69%	0.00%
WOD	96.67%	0.00%	95.47%	0.00%	103.46%	0.00%	103.60%	0.00%	98.54%	0.00%	94.79%	0.00%	103.84%	0.00%	104.46%	0.00%
EOA	98.04%	0.00%	96.63%	0.00%	102.62%	0.00%	92.57%	0.00%	111.67%	0.00%	79.26%	0.00%	104.77%	0.00%	99.58%	0.00%
NWOA	96.70%	0.00%	92.94%	0.00%	101.37%	0.00%	99.09%	0.00%	108.91%	0.00%	122.11%	0.00%	91.38%	0.00%	98.70%	0.00%
SOA	97.40%	0.00%	96.23%	0.00%	99.71%	0.00%	98.06%	0.00%	99.20%	0.00%	88.48%	0.00%	103.52%	0.00%	100.87%	0.00%
SALEM	97.84%	0.00%	96.59%	0.00%	110.05%	0.00%	94.37%	0.00%	101.43%	0.00%	93.42%	0.00%	95.16%	0.00%	103.92%	0.00%
CFPA	98.51%	98.50%	95.29%	95.55%	101.53%	101.98%	99.66%	100.09%	96.17%	95.22%	101.65%	98.48%	99.22%	98.60%	102.29%	105.12%
DFPA	98.23%	97.20%	94.69%	97.04%	95.18%	104.13%	96.27%	98.00%	99.71%	81.52%	108.18%	104.82%	103.35%	93.53%	112.13%	99.39%
WFPA	97.52%	0.00%	122.10%	0.00%	99.33%	0.00%	98.53%	0.00%	119.21%	0.00%	111.75%	0.00%	124.28%	0.00%	100.00%	0.00%

Budget Unit	5 Year Average (FY21-FY25)	
	Timber	Grazing
COD	102.09%	103.90%
KLD	95.62%	104.29%
NCAS	96.41%	0.00%
NEO	96.48%	95.56%
NWOD	96.42%	0.00%
SCAS	97.55%	0.00%
SWO	94.83%	118.61%
WLD	100.48%	0.00%
WOD	101.05%	0.00%
EOA	97.57%	0.00%
NWOA	104.04%	0.00%
SOA	98.03%	0.00%
SALEM	97.66%	0.00%
CFPA	99.80%	99.50%
DFPA	103.93%	95.45%
WFPA	110.75%	0.00%

- 97% average used for budgeting.
  - Taxpayers get 3% off for paying on time.
- Collection rates over 100%.
  - Taxpayer payments made late.
  - Other variables (COVID, missed invoices, corrections).
  - Inaccurate minimum calculations.
- Monitor districts that fall below 97%.
  - Inaccurate county revenue collection.
  - Revenues go back to the districts they were received from



# Minimums and Surcharges

- Decisions needing made:
  - Percentage of OFLPF revenues to allocate to district budgets: 97% or other?
  - Disbursements of OFLPF revenues: back to the district they were received from or other?



# Harvest Tax OFLPF Revenue – FY27

\$0.625	(Adjusted for inflation yearly, can go below last year's rate. Inflation amount comes from ODF CFO.)	
	Volume MMBF	Harvest Tax Revenue
Q1 - Jan to Mar 25	0.83282	\$520,512
Q2 - Apr to Jun 25	0.77625	\$485,156
Q3 - Jul to Sep 25	0.76853	\$480,334
Q4 - Oct to Dec 25	0.77010	\$481,313
<b>Total</b>	<b>3.14770</b>	<b>\$1,967,314</b>

- 2025 Q1 & Q2 revenue partially used for fire costs.
  - \$332,968 available for disbursement
- 2025 Q3 & Q4 revenues will be applied to FY27 budgets.
  - \$.62/MMBF calculated
- January 2026 rate increases to \$1.00.
- **Decision needing made for FY27**
  - Use just 2025 Q3 & Q4 revenues and leave remaining harvest tax revenue in the fund or,
  - Utilize unspent harvest tax revenues from 2025 Q1 & Q2 + full amount from 2025 Q3 & Q4
  - Allocation method: Pro rata or other?



# Harvest Tax OFLPF Revenue

- **Decision needing made: Calendar Year vs Fiscal Year.**
- Calendar Year
  - Pros: Actual revenues utilized
  - Pros: no reconciliation needed
- Fiscal Year
  - Pros: Aligns with fiscal budgets
  - Pros: if chosen, a one-year benefit would be seen for FY27 budgets as the 2026 1<sup>st</sup> and 2<sup>nd</sup> Q's would get included as estimates and allow for lower rates
  - Cons: Estimates would need to be utilized for half of a year (1<sup>st</sup> and 2<sup>nd</sup> Q's) which would lead to a reconciliation needing completed
  - Cons: OFLPF could potentially owe more funds to balance the budgets accordingly if estimates were off

