

# ADVANCING FIRE PROTECTION IN OREGON

WILDFIRE PROGRAMS ADVISORY COUNCIL  
ANNUAL REPORT

OCTOBER 2023

*This is a draft version for WPAC review, 10/9/23.*

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## GLOSSARY OF ACRONYMS

BCD	Building Codes Division
COU	Consumer-owned utility
DCBS	(Oregon) Department of Consumer and Business Services
DEQ	(Oregon) Department of Environmental Quality
DLCD	(Oregon) Department of Land Conservation and Development
DOGAMI	(Oregon) Department of Geology and Mineral Industries
HB	(Oregon) House Bill
IJA	Infrastructure Investment and Jobs Act
IOU	Investor-owned utility
NGO	Nongovernmental organization
NHMP	Natural hazard mitigation plan
OCC	Oregon Conservation Corps
ODF	Oregon Department of Forestry
ODHS	Oregon Department of Human Services
OHA	Oregon Health Authority
ORS	Oregon Revised Statutes
OSFM	Oregon State Fire Marshal
OSU	Oregon State University
OWEC	Oregon Wildfire & Electric Collaborative
PUC	(Oregon) Public Utilities Commission
R327	<a href="#"><u>Oregon Residential Specialty Code: R327.4 Wildfire Hazard Mitigation</u></a>
RAC	Rules Advisory Committee
SB	(Oregon) Senate Bill
WUI	Wildland-urban interface

## EXECUTIVE SUMMARY

Oregon faces increasing risks and effects of wildfire. In response to the growing concern over wildfire and its effects, in January 2019 Oregon Governor Kate Brown convened the Governor’s Council on Wildfire Response to assess the issue and provide policy and funding recommendations to the Governor and State Legislature. Responding to these recommendations, and recognizing the opportunities to make Oregonians and their communities safer and more wildfire prepared and resilient, the Oregon Legislature enacted Senate Bill 762 (SB 762) in the 2021 legislative session. SB 762 set an unprecedented path for 11 state agencies to implement multiple programs intended to transform how Oregon lives with wildfire. These programs work together to modernize fire preparedness and response systems, creating new opportunities to advance fire protection at multiple scales from the individual to the landscape.

This legislation established a Wildfire Programs Director and Wildfire Programs Advisory Council (“Council”) to guide implementation of SB762. The Council consists of 19 members representing a diverse range of Oregon’s geographies and sectors related to wildfire. The Council is charged with monitoring progress of wildfire programs, advising and assisting the Director, and preparing an annual October report to the Governor and appropriate committees or interim committees of the Oregon Legislative Assembly. This report describes implementation progress and specifically provide advice and recommendations on:

- Changes necessary to dramatically reduce wildfire risk and ensure defensible space, building codes, and land use applications are appropriate
- How Oregon’s wildfire risk map may inform building codes and land use laws, rules, and decisions in a regionally appropriate manner
- The application of defensible space requirements to vineyards, crops, and other cultivated vegetation
- How to strengthen intergovernmental and multiparty collaboration including government, stakeholders, and the public

This second annual report of the Council fulfills this requirement.

### List of Council Recommendations and Actions Necessary to Implement

In 2022, the Council’s first annual report provided an extensive list of recommendations to further advance wildfire programs in Oregon. Several of these recommendations were considered by the Oregon Legislature during the 2023 legislative session, including changes to wildfire hazard mapping processes and public outreach, and creation of the Oregon Youth Works Advisory Board to create efficiencies in conservation corps program delivery.

This 2023 Council report offers further recommendations, based on Council discussion and agency briefings as of September 2023. Some aspects of wildfire programs are under revision or in progress at this date. Recommendations may be adjusted in the future based on changes to implementation status and new information.

The Council’s recommendations largely focus on the need to sustain programs established in SB 762, and related aspects in subsequent 2023 bills (Table 1). The Council also continues to call for integrated, coordinated, and robust effort for communications, outreach, and education across all wildfire programs, in addition to specific outreach needs within individual programs.

The Council recognizes the need to subsidize future compliance with regulatory programs in areas of social and economic vulnerability where income may present a barrier to implementation. The Council urges the continued prioritization in program implementation when allocating resources to individuals and communities; specifically, to target resources areas with socially and economically vulnerable communities, and high wildfire hazard.

<b>Responsible agency/ies</b>	<b>Council recommendations</b>	<b>Action taken or needed</b>
ODF, OSFM, OSU, DCBS	Continue and grow interagency collaboration on and across all programs to support Oregonians in being wildfire prepared and resilient.	SB 509 (A-Engrossed, 2023) directed coordination between agencies and organizations on community fire preparedness but was not passed.
ODF, OSFM, OSU, DCBS	Provide ongoing funding for continuing outreach and education on the actions that families, organizations, and communities can take to be more wildfire resilient and prepared.	Legislative action to appropriate funding to existing or new education programs.
ODF, OSFM, OSU, DCBS	Work towards a future solution to recording information related to the actions individual property owners have taken to reduce wildfire risk.	Legislative action to appropriate funding to existing or new education programs.
ODF, OSU	Provide diverse and frequent public education and engagement about the purpose and uses of the state wildfire hazard map, including its role as a landscape hazard rather than a property risk map, and how irrigated land within high hazard areas is addressed.	Funding and direction on map outreach were provided in SB 80. The Council is required to review notices sent to property owners and provide recommendations on tone, clarity of language and presentation of information.
OSFM	Appropriate sufficient and ongoing funding to the Community Risk Reduction Fund to enable OSFM to fully implement a statewide defensible space program targeted in areas within the WUI that are designated within a high hazard wildfire zone	Legislative action would be needed to appropriate funding to the Community Risk Reduction Fund.
	Establish a program encouraging defensible space efforts at a community scale.	SB 509 (A-Engrossed, 2023) included a neighborhood association program but was not passed. Legislative action would be needed to appropriate funding to existing or new programs.
DLCD	Develop a best practices guide for local governments to use in implementing relevant recommendations, including how to address equity and environmental concerns.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Fund DLCD and local governments to integrate evacuation and response route planning into transportation system updates.	Although DLCD has the legal authority to require this, it would necessitate legislative action for funding and to direct cooperation.
	Encourage DLCD to write a report on lessons learned and best practices from the Linn County pilot project, including potential sources of funding, providing a guide for other jurisdictions to accomplish work.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Provide additional funding should be available to accomplish local NHMP and CWPP integration to support consistent and comprehensive community preparedness across jurisdictions for various hazards.	Legislative action to appropriate funding.
	DLCD should broadly disseminate planning and risk mitigation recommendations arising from its current work with DOGAMI researching the impact of wildfires on landslides in Oregon.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.

DCBS (BCD)	Help people comply with R327 by prioritizing funding to those with the most need and highest hazard, through a grant and incentive program for renters and homeowners who earn under 120% of the median area income; and help connect Oregonians to other sources of possible funding for home hardening.	SB 509 (A-Engrossed, 2023) required and funded OSFM in conjunction with DCBS to establish a grant and incentive program for reducing wildfire risk through home hardening but was not passed. Legislative action would be needed to appropriate funding to existing or new programs.
DCBS (BCD)	Evaluate adopting fire hardening protections for additional types of buildings, including where people do business, manufactured homes, and multi-family buildings.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
OSFM	Provide OSFM the authority and funding to administer the home hardening grant program, including for future years, not just for rebuilding those homes lost to past wildfires.	Legislative action would be needed to provide authority and funding.
DCBS (DFR)	Allow insurers and DCBS time to adjust and comply with the new insurance requirements of SB 82 before making further legislative changes.	No legislative action would be needed at this point.
PUC	Existing utility wildfire mitigation plans should be evaluated in collaboration with local emergency management and given time for implementation before plan requirements are modified.	No legislative action would be needed at this point.
	Address and support opportunities for collaboration and outreach in evolution of each utility's plan. Specific opportunities include: <ul style="list-style-type: none"> <li>• Identification of community critical infrastructure as part of a de-energization procedure</li> <li>• Data sharing between stakeholders for situational awareness</li> <li>• Coordinated community outreach and education to the general public on de-energization procedures, impacts, and available support services.</li> </ul>	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Consider funding for targeted grid resilience grants to make electrical equipment more fire resistant.	Legislative action to appropriate funding.
DEQ	Provide funding to support staff FTE to build, deploy, operate and maintain newly acquired air quality monitors, and to support wildfire smoke response assessment/communication calls throughout the season.	Legislative action to sustain funding.
	Provide funding to continue development and implementation of community smoke response plans across the state.	Legislative action to sustain funding.
DHS	Consider identified needs of K-12 public schools' infrastructure in DHS report. Waive requirement for schools to provide public shelters, or fund school infrastructure upgrades in some other way.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Provide funding for grants to local entities— including public health, community-based organizations, and faith-based groups— to set up and staff clean air, warming and cooling shelter spaces in communities across the state.	Legislative action to sustain funding. Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
OHA	Provide funding to continue support of home air filtration programs beyond 10,000 purchased with one-time funding. Broaden eligibility to include programs that provide materials for do-it-yourself (DIY) air cleaners using box fan(s) and MERV 13 filter(s). Expand the coverage of air filter programs to include congregate sites serving community members that may be more impacted by wildfire smoke, such as adult foster homes and daycares.	Legislative action to sustain funding. Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.

	Broaden the eligibility of home air filters beyond Oregon Health Plan members to include other vulnerable community members and community-based organizations that serve them.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Provide funds to local public health departments and community-based organizations and faith-based groups to administer indoor air quality programs. Allow for these funds to support staff time such as staffing cleaner air shelters during wildfire smoke response.	Legislative action to sustain funding. Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Provide funds to support evaluation of indoor air quality programs, including observed health impacts and unintended costs such as increased utility bills.	Legislative action to sustain funding. Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Ensure air filtration programs provide education about proper use of filters to maximize efficacy in the home.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
ODF	Provide a long-term funding commitment into the new landscape resiliency fund and include stable funding for additional field and grant administration staff. A portion of funding awards should be dedicated to maintenance of previously treated landscapes.	Legislative action to sustain funding.
	State agencies should work with federal agencies, Tribes, NGOs, and other partners to ensure that federal investments are leveraged and seek additional funding through philanthropic sources and public-private partnerships.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Explore ways to support increased prescribed burning as part of landscape resiliency projects and the 20-year strategy	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Track implementation of the Certified Burn Manager Program to monitor and learn where improvements may be needed.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Further vet guidelines for cultural burning with Tribes and cultural fire practitioners to ensure that their perspectives and needs are addressed.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
	Explore further avenues to expand opportunities for prescribed burning to overcome limited seasonal windows and smoke rules.	Issue should be directed at the responsible agency for review and determination if it is within their authority to take action or if they need a legislative change.
HECC	Provide consistent funding in next biennium and continue inclusion of philanthropic match.	Legislative action to sustain funding.

Table 1. Wildfire Programs Advisory Council recommendations and needed actions, September 2023

# 1. INTRODUCTION

## Context

Oregon faces ever-increasing risks and impacts from wildfire. The Governor’s first Council on Wildfire Response, formed in 2019, reviewed Oregon’s existing model for wildfire preparation and response, and providing recommendations on how to address these risks. That council provided 37 recommendations and suggested a comprehensive approach aligned with the three goals of the National Cohesive Wildland Fire Strategy:

1. *Create fire-adapted communities* by modernizing emergency response, health systems, electric utilities, and land use, in order to improve structural resiliency, enhance defensible space, ensure access and egress, and reduce human-caused ignitions; with an emphasis on serving vulnerable populations.
2. *Restore and maintain resilient landscapes* by investing in active management of forests and rangelands through prioritized treatments in areas of highest risk.
3. *Respond safely and effectively to wildfire* by modernizing fire response capacity and expanding protection services.

These recommendations preceded the catastrophic 2020 wildfire season in Oregon, which saw over 1.2 million acres and 5,000 structures burned, and nine lives were lost. Senate Bill 762 (SB 762) passed in the 2021 legislative session and set an unprecedented path for action on many of these recommendations. It invested \$195 million in 11 state agencies to implement programs intended to transform how Oregon lives with wildfire, also aligning with the three goals of the Cohesive Strategy. This represented a collective, all-hands-on-deck approach to assessing wildfire risk and prioritizing multiple actions to reduce that risk to communities and landscapes. In addition, several other bills passed in the 2023 legislative session that further developed some aspects of programs and issues addressed in SB 762, while others were unfunded.

## Wildfire Programs Advisory Council

SB 762 established a state-wide Wildfire Programs Director position and Wildfire Programs Advisory Council to guide implementation. Doug Grafe was appointed as the Wildfire Programs Director under the Kate Brown administration.<sup>1</sup> The Wildfire Programs Advisory Council (hereafter “the Council”) features 19 members representing a broad and diverse range of Oregon’s geographies and wildfire-related sectors. The Council is charged to monitor progress, advise and assist the Director, and prepare an annual October report to the Governor and appropriate committees or interim committees of the Oregon Legislative Assembly. This report describes implementation progress and specifically provide advice and recommendations on:

- Changes necessary to dramatically reduce wildfire risk and ensure defensible space, building codes, and land use applications are appropriate
- How Oregon’s wildfire risk map may inform building codes and land use laws, rules, and decisions in a regionally appropriate manner

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<sup>1</sup> In 2023, Grafe’s position shifted under the Tina Kotek administration to Wildfire and Military Advisor.



- The application of defensible space requirements to vineyards, crops, and other cultivated vegetation
- How to strengthen intergovernmental and multiparty collaboration including government, stakeholders, and the public

This second annual report of the Council fulfills this requirement.<sup>2</sup> It represents the efforts of Council members and agency support staff. It was developed through a collaborative process centered around three workgroups (*Appendix: Wildfire Programs Advisory Committee Roster*). One workgroup served an alignment and editorial function by setting direction, reviewing draft content submitted by each of the other workgroups, and ensuring that the final report was cohesive and met the requirements of the legislation. The other two workgroups focusing on sections pertaining to land use and the wildland-urban interface, and to advancing fire protection. These groups met regularly to obtain information from agencies, discuss members' perspectives, and develop draft report content. Members were not required to seek consensus. Workgroups sought to clearly document common ground and differing views where they existed. Voting on the recommendations of the draft report occurred at the October 13, 2023 meeting of the full Council to capture extent and levels of support (full support, support with reservations, do not support, or neutral), and to ensure that all perspectives were heard.

### 2023 Policy Context

Over the last year, some programs and investments initiated by SB 762 have continued, while others were completed and not funded after the 2021-2023 biennium. In addition, new laws passed in the Oregon legislature in 2023 are directly relevant to the work of the Council.

### Senate Bill 762 (2021)

SB 762 programs pursue the three goals of the Cohesive Strategy (Figure 1). These programs work together to modernize Oregon's fire preparedness and response systems, creating new opportunities to advance fire protection at multiple scales from the individual to the landscape.

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<sup>2</sup> The first annual required report (2022) is available at:  
[https://www.oregon.gov/gov/policies/Wildfire%20Programs%20Council%20Documents/COUNCIL\\_Annual\\_Report\\_%20Jan-2023-Update.pdf](https://www.oregon.gov/gov/policies/Wildfire%20Programs%20Council%20Documents/COUNCIL_Annual_Report_%20Jan-2023-Update.pdf).



*Figure 1. Programs of SB 762 (2021) in support of the three goals of the National Cohesive Wildland Fire Strategy*

Senate Bill 762 status in 2023

DRAFT

SB 762 (2021 Regular Session) Investments & 2023-2025 Biennial Budget					
Agency	SB 762 (Section)	Investment GF	Investment OF	Program / Section	LAB
ODF	44	\$10,611,235		Fire suppression Capacity (Sec 30a)	n Agency Budget
ODF	45		\$11,514,649	Fire suppression capacity	n Agency Budget
ODF	46	\$27,990,713		Risk Mitigation Grant Programs \$25 million and Mapping (Sec 7, 16, 20,	\$11,000 in Agency Budget
ODF	47		\$1,467,358	Mapping and Risk Mitigation	In SB 80
ODF	48	\$15,000,000		Fire suppression Capacity (Sec 30a)	\$0
ODF	49	\$474,884		Landowner offset	
ODF				Equipment pool	n Agency Budget
ODF - Total Investment		\$54,076,832	\$12,982,007		\$35
Agency	SB 762 (Section)	Investment GF	Investment OF	Program / Section	LAB
PUC	50		\$324,286	Utility risk planning and coordination	n Agency Budget
PUC - Total Investment		\$0	\$324,286		\$0.3
Agency	SB 762 (Section)	Investment GF	Spending Limit	Program / Section	LAB
OSFM	51	\$13,506,889		Defensible Space and Fire Suppression Staffing Capacity (Sec	n Agency Budget
OSFM	52	\$7,000,000		Community Risk Reduction (Sec 8a-5)	\$0
OSFM	53	\$25,000,000		Community Risk Reduction Fund	\$3 in SB 80
OSFM	54		\$25,000,000	CRF - Fund Limitation (Sec 9)	\$3 in SB 80
OSFM	55	\$55,000,000		Oregon Fire Mutual Aid System (Sec 30b)	\$10 in SB 5506
OSFM - Total Investment		\$100,506,889	\$25,000,000		\$27
Agency	SB 762 (Section)	Investment GF	Investment OF	Program / Section	LAB
DEQ	56	\$3,322,828		Community Response Planning and Smoke Monitoring (Sec 13, 13a, 13b)	\$0.0
ODHS	57	\$5,187,411		Public Clean Air Spaces (Sec 14-15)	\$0.0
OHA	58	\$4,768,812		Residential Air Filtration Systems (Sec 14-15)	\$0.0
Public Health Investment		\$13,279,051	\$0		\$0
Agency	SB 762 (Section)	Investment GF	Investment OF	Program / Section	LAB
OEM	59	\$700,003		Emergency Coordination (Sec 17)	\$0.7
OEM - Total Investment		\$700,003	\$0		\$0.7
Agency	SB 762 (Section)	Investment GF	Investment OF	Program / Section	LAB
OSU	60	\$1,138,040		OSU Capacity (Sec 7, 12c, 18)	\$1.1
HECC	61	\$643,668		Oregon Conservation Corps Advisory Committee (Sec 22)	\$0.6
HECC	62	\$10,000,000		Oregon Conservation Corps Fund (Sec	\$10 in SB 5506
HECC	63	\$1,000,000		Fund Donation Match (Sec 21)	\$0
HECC Total Investment		\$12,781,708	\$0		\$11.7
Agency	SB 762 (Section)	Investment GF	Investment OF	Program / Section	LAB
GOV Office	35	\$497,541		Wildfire Programs Director	\$0.5
Gov Total Investment		\$497,541	\$0		\$1
		Investment GF	Investment OF		
SB 762 Sub Total		\$181,842,024	\$13,306,293		
SB 762 Total Investment Excludes OSFM Spending Limit \$25,000,000		\$195,148,317		Continue SB 762 wildfire investments	\$75.2
Additional Legislative Deliberations to Advance Fire Protection - Beyond SB 762 (2021-23)					
SB 80				Prescribed Fire Liability Fund - In SB 80	\$5
SB 1049				DSFM - Mobilization Fund for Conflagrations	\$2 in SB 5506
SB 5506				Home Hardening Program - Removed from SB 80	\$6 in SB 5506
SB 5506				Multi - Mission Wildfire Aircraft	\$12 in SB 5506
SB 509				ODF - Emergency Fire Cost Proactive Funding like HB 3484	\$0
				Neighborhood Collaboratives for Community Risk Reduction	\$0
				Wildfire Detection Cameras	\$0
				Total Wildfire Investment	\$102

Senate Bills 80 and 82 (2023)

**SB 80 Enrolled** provided several updates to many of the requirements set forth in SB 762, including updating the statewide wildfire risk map to “hazard” from “risk”, defining the purposes of the map; and changing hazard zones to three zones: low, moderate, and high, from a former five risk classes (none, low, moderate, high, and extreme). Property owner notice and appeal

processes were revised and requirements for a robust community engagement process were added, including eight in-person meetings with county commissioners and staff throughout the state and a follow up meeting for counties with the Association of Oregon Counties. No date is specified for the map's release; it is to be completed and released expeditiously. Throughout the bill, language changes for consistency with the map title and hazard zones are made, including conforming amendments for SB 644, accessory dwelling units in areas zoned for residential use (Section 9). In addition:

- The Landscape Resiliency Fund (Section 4) and the Community Risk Reduction Fund (Section 5) are established.
- Clarifications are made related to cleaner air spaces (Sections 6 and 7), including additional entities identified as grant recipients and state agency support for cleaner air spaces.
- The Prescribed Fire Liability Pilot Program and the Prescribed Fire Claims Fund are established (Section 14).
- Appropriations for the above funds are made (Sections 19-26).
- The effective date is July 1, 2023.

[SB 82 Enrolled](#) prohibits insurers from using the statewide map of wildfire hazards in coverage decisions. It requires insurers to provide information about their rating and underwriting decisions related to wildfire hazards through disclosure requirements to customers. The bill allows consumers to see how wildfire risk reduction efforts, such as establishing defensible space, hardening homes, and participation in wildfire community preparedness programs, may influence their insurance rating and the availability of insurance. It also provides flexibility to extend rebuilding and content replacement deadlines.

## 2. WILDFIRE HAZARD MAPPING, DEFENSIBLE SPACE, BUILDING CODES, LAND USE, AND INSURANCE

This section of the report reflects the work of Council workgroup #2 (see *Appendix 1* for list of workgroup members) and addresses the components of SB 762, 80, and 82 focused on wildfire hazard mapping, defensible space, building codes, land use, and insurance. It meets the requirement of the Council in SB 762 to assess the progress and appropriateness of defensible space, building codes, and land use applications, and how the wildfire hazard map informs those. It provides a summary of current policy context and implementation progress to date, and offers advice and recommendations on the following:

- Changes necessary to dramatically reduce wildfire risk and ensure regional defensible space, building codes, and land use applications are appropriate;
- How Oregon's wildfire hazard map may inform building codes and land use laws, rules, and decisions in a regionally appropriate manner;
- The application of defensible space requirements to vineyards, crops, and other cultivated vegetation;
- How to strengthen intergovernmental and multiparty collaboration including government, stakeholders, and the public on the above topics; and

- Implementation of SB 762, SB 80, SB 82, and SB 5506 to date.

## Wildfire Hazard Mapping

### **Current Policy Context**

Through SB 762, the Oregon legislature directed the Oregon Department of Forestry (ODF), working with Oregon State University (OSU), to develop and maintain a statewide map of wildfire risk. The map was to display five wildfire risk classes – extreme, high, moderate, low, and no risk – based on weather, climate, topography, and vegetation. The map was also to include the boundaries of the wildland-urban interface (WUI) and a layer displaying locations of socially and economically vulnerable communities. ODF was required to, and did, complete the map and release it on the Oregon Explorer web platform by June 30, 2022.

ODF had a compressed time to prepare a scientifically accurate and detailed map, which did not allow for sufficient education and engagement with local governments, the public, and landowners. In addition, some aspects of the map required by the legislation needed refining. As a result, the map roll-out caused confusion and concern by many, and the Oregon State Forester withdrew the map on August 4, 2022.

In our 2022 Annual Report, the Council made several recommendations for improvement and adjustments to the next wildfire map, including extensive recommendations on outreach to and engagement with the public, local governments, Tribal governments, and sister agencies.

The Council’s recommendations were largely reflected in SB 80, passed by the 2023 Oregon legislature. SB 80, among other things:

- Directed ODF to revise the map to a wildfire *hazard* map, consistent with California.
- Clarified that the map will provide a science-based tool to help prioritize the most vulnerable areas for fire adaptation and mitigation resources, and to identify where defensible space standards and home hardening codes will apply.
- Clarified that the map is a landscape scale hazard assessment, not property scale.
- Reduced the map categories from five to three – High, Moderate, and Low – reflecting that there are no areas of “no” wildfire risk, and that there was little meaningful distinction between the prior categories of “extreme” and “high.”
- Directed that notice letters be sent to those whose property is in both the high hazard category and in the WUI.
- Revised process for appeals so they will follow the standard administrative procedures format.
- Funded OSU for staffing and materials to do more outreach and engagement in partnership with ODF, Oregon State Fire Marshal (OSFM), Department of Consumer and Business Services (DCBS) Building Codes Division (BCD) and Division of Financial Regulation (DFR).

## **Implementation Status**

ODF and OSU are in the process of producing the updated wildfire hazard map consistent with direction from SB 80. Progress to date includes:

- Clarifying key points about the scientific underpinning of the map as a hazard map, which will indicate burn probability and fire intensity at the landscape level.<sup>3</sup>
- Engaging in conversations with private industry to revise fuel assumptions associated with hay and pastureland.
- Making a plan to discuss how to account for irrigated agriculture land with each county and local stakeholders.
- There will still be some neighbor-to-neighbor differences, because there must be a line somewhere between hazard categories. However, differences will be smoothed out.
- It is anticipated the hazard map will be updated approximately every five years when underlying data updates become available.

Enhanced and diverse public engagement for input to map development is both underway and planned for the future. Nine county meetings, eight in conjunction with the Association of Oregon Counties plus Jackson County, were held to hear local officials' questions and input on local characteristics to consider in the update process. These occurred between September 8 and October 6, 2023. All the relevant agencies – ODF, OSU, DCBS, and OSFM – attended these meetings to answer questions about technical aspects of the map and downstream implications for defensible space and home hardening. Map updates will reflect any necessary changes due to input from these meetings, and then statewide public engagement will follow. Again, all the relevant agencies will be present to address technical aspects of the map; opportunities for guidance, workshops, funding, and technical and on-the-ground assistance; and downstream regulatory effects. Thanks to increased funding in SB 80, OSU is augmenting its communications staff and creating new resources for public outreach as part of this process. Rulemaking is also necessary and will be planned to address the change to three hazard classes and to address irrigated agriculture.

Following rulemaking and public engagement, a draft map will be produced, and notices will be provided owners property located in both the high hazard area and WUI, with the opportunity for appeal. The results of appeals will be considered when finalizing the wildfire hazard map, anticipated in early 2024.

## **Observations and Recommendations**

- The legislature, Council, and state and local agencies have learned a lot over the last two years about how to craft and implement the many tools that Oregonians and their communities need to be wildfire prepared and resilient. This includes interagency collaboration, and we have seen this genuinely undertaken by all the agencies engaged in the wildfire mapping work and the SB 762 elements tied to it, including OSFM and DCBS. Continued progress will require this high level of continued collaboration.

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<sup>3</sup> The map will not indicate the susceptibility of individual parcels. Susceptibility is on a case-by-case basis, depending on site specific actions that reduce risk and can vary over time, e.g., defensible space and home hardening.

- Diverse and frequent public engagement and education is critical to convey that the map’s purpose is to provide a science-based tool to be used by decision-makers, communities, and individuals to identify where mitigation tools and investments should be deployed, including defensible space, home hardening, and land use planning.
- There is a need to convey that this is a landscape hazard map, not a map of risk to individual properties, and that it cannot reflect the actions taken by individual property owners to reduce their property’s risk. Extensive and careful agency effort is needed to properly communicate this, and to discuss the topic of irrigated land and structures that are in high hazard areas.
- We recommend working towards a future where information related to the actions individual property owners have taken to reduce wildfire risk can be recorded and acknowledged in some manner as we understand the wildfire hazard map is not the appropriate tool. Such information might include building permits, completed home assessments for defensible space, home hardening steps, and other actions related to wildfire mitigation.
- We recommend ongoing funding for continuing outreach and education on the actions that families, organizations, and communities can take to be more wildfire resilient and prepared.

## Defensible Space

### **Current Policy Context**

Oregon Revised Statutes (ORS) 476.392 directs OSFM to establish minimum defensible space requirements in areas that have been classified as extreme or high wildfire risk and located within the WUI, as shown on the statewide map of wildfire risk adopted by ODF.

With SB 80, the 2023 legislature amended ORS 476.392 to reduce the risk classifications from five (extreme, high, moderate, low, and no risk) to three (high, medium, low), and renamed the mapped areas from *risk classification zones* to *hazard zones*. Consequently, OSFM will apply defensible space requirements on parcels within the WUI that are also designated as a high wildfire hazard area upon the maps release. SB 80 became effective July 1, 2023.

OSFM also administers the Community Risk Reduction Program established by SB 762, through which assistance and financial grants are provided to local governments to support and encourage community risk reduction efforts. Financial assistance provided to local governments by OSFM is directed toward defensible space programs, with a focus on socially and economically vulnerable communities, emergency infrastructure, and critical facilities such as schools, hospitals, and those that serve the elderly.

In addition to creating and implementing defensible space requirements, OSFM is also tasked with administering the Community Risk Reduction Program established by the legislature in 2021 through SB 762 and is authorized to provide assistance and financial grants to local governments to enhance local community risk reduction efforts. Financial assistance provided to local governments by OSFM is directed toward defensible space programs, with a focus on



socially and economically vulnerable communities, critical or emergency infrastructure, and schools, hospitals, and facilities that serve the elderly.

### **Implementation Status**

OSFM, in consultation with the Oregon Fire Code Advisory Board, has prepared defensible space code requirements for enactment. The requirements will be modified to meet the reduction in hazard zones resulting from the 2023 legislative amendments to ORS 476.392. The defensible space requirements will not be enacted and implemented until after ODF and OSU complete the updated statewide wildfire hazard map, which is expected in spring 2024. In anticipation of the pending defensible space requirements, OSFM has launched a program to allow property owners to request a voluntary defensible space assessment of their property. To date, the agency has completed 199 assessments.

Appropriations from the 2021-2023 biennium have enabled OSFM to spend \$81 million in one-time expenditures for wildfire risk reduction, including increasing firefighter capacity and modernizing equipment. Additional funds have been used for pre-positioning firefighting equipment and personnel in high-risk areas during brief periods of high fire danger and immediate response (immediate mobilization to prevent growing wildfires from spreading) activities. In addition, OSFM has purchased 47 new fire engines which the agency will strategically station across the state to protect communities. In addition, the agency has been able to increase staffing seasonally to create additional firefighting capacity at critical times.

As part of the Community Risk Reduction Program, OSFM has issued \$18 million in grants to 106 recipients statewide for defensible space risk reduction activities. Vulnerable populations have received priority when awarding grant money. **The agency had received \$46 million in grant requests for this program.**

### **Observations and Recommendations**

Establishing defensible space is a critical component of Oregon's wildfire programs, is proven to be a highly effective tool to reduce the loss of homes in a wildfire and increase safety for firefighters, and is a win-win for both the property owner and the public. Studies have shown that as many as 80 percent of homes lost to wildfire could have been saved if defensible space was created. To continue the program, OSFM requested \$38 million for the Community Risk Reduction Fund in the 2023 legislative session. To continue with implementation of the program, OSFM requested \$38 million for the Community Risk Reduction Fund in the 2023 legislative session. The legislature allocated only \$3 million to the fund, despite having record revenues. The 2021-23 budget should be the baseline budget for the fund. The failure to provide adequate resources to the fund is a missed opportunity.

The Council strongly recommends that the legislature appropriate sufficient and ongoing funding to the Community Risk Reduction Fund to enable OSFM to fully implement a statewide defensible space program targeted in areas within the WUI that are designated within a high hazard wildfire zone. Particular attention should be paid to interface areas within high hazard zones with concentrations of socially and economically vulnerable populations.



OSFM has informed the Council that it intends to use an “education first” model for implementation of the defensible space program, focusing on achieving public acceptance of the need for defensible space requirements and the benefits to property owners in maintaining adequate defensible space, in an effort to avoid regulatory mandates. The Council supports this approach, knowing that despite best efforts, OSFM may still be required to enforce regulatory requirements.

The Council also notes that there are safeguards within Oregon’s wildfire program which ensure that the defensible space requirements will achieve their objectives while at the same time avoiding overburdening the property owner. With these safeguards and based on the importance of defensible space to Oregon’s wildfire efforts, the Council strongly supports OSFM’s efforts. The Council reiterates that OSFM’s efforts will be hamstrung without adequate funding. Simply put, money allocated to the Community Risk Reduction Fund is a wise investment, as it can save lives, prevent property damage, and reduce the need for taxpayer expenditures on post-wildfire recovery efforts. The Council urges the legislature to immediately increase funding to the Community Risk Reduction Fund in the amount requested by OSFM for the 2023-25 biennium.

Finally, the Council recommends that the legislature consider legislation allocating funding to community defensible space efforts, including those areas in the immediate outskirts of urban areas within the WUI that serve as a primary buffer between wildland areas and urban areas. Establishing a program encouraging defensible space efforts at a community scale, applicable to both public and private property, will create more robust defensible space areas and defuse fears of overregulation.

## Land Use

### **Current Policy Context**

SB 762 directed DLCD to “identify updates” to the statewide land use planning program and local land use plans and zoning codes that are “needed to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation.” The recommended updates may include, but are not limited to, “provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of extreme and high wildfire risk, allowing for regional differences,” noting that the substance of these elements would be developed by other relevant agencies, including OSFM, ODF, and DCBS.

SB 762 also required DLCD to complete this assessment and provide a report by October 1, 2022, to the appropriate legislative committees, the State Wildfire Programs Director, and the Wildfire Programs Advisory Council, including any recommendations on how to incorporate the wildfire maps and minimize wildfire risk into state and local land use planning. DLCD complied by producing its *Wildfire Adapted Communities Recommendations Report*.<sup>4</sup>

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<sup>4</sup> [https://www.oregon.gov/lcd/NH/Documents/20220930\\_DLCD-Wildfire-Recommendations-Report.pdf](https://www.oregon.gov/lcd/NH/Documents/20220930_DLCD-Wildfire-Recommendations-Report.pdf)

As directed by SB 762, DLCD submitted its Report by October 1, 2022, providing six recommendations:

Recommendation 1: Cities and counties prioritize robust and inclusive community information and engagement in planning efforts to create wildfire adapted communities.

Recommendation 2: Cities and counties assess and improve transportation networks for safe evacuation and firefighting response.

Recommendation 3: Cities and counties review and amend local land use codes for new development to ensure safe evacuation and efficient firefighting response.

Recommendation 4: Cities and counties review and amend comprehensive plan policies and implement land use codes to incorporate wildfire risk mitigation requirements for new development.

Recommendation 5: Cities and counties prepare for post-disaster recovery in local communities through recovery planning.

Recommendation 6: Cities, counties, special districts, and Tribes to increase the effectiveness of natural hazards planning through coordination of Community Wildfire Protection Plan and Natural Hazard Mitigation Plan processes and adoption of policies and actions into comprehensive plans and codes.

For each recommendation, DLCD provided three implementation options, described in more depth in their report: (1) a voluntary approach, (2) a mandatory approach, and (3) a phased hybrid approach.

### **Implementation Status**

The 2023 legislature did not pass legislation directing or funding DLCD to take further action. However, SB 80 directed changes to the wildfire hazard map, which will have some impacts on the defensible space and home hardening requirements and timelines for the OSFM and DCBS. This may have an indirect impact on activities that DLCD is undertaking with its Community Wildfire Protection Plan and Natural Hazard Mitigation Plan programs, and with any voluntary implementation of some elements of the Recommendations.

In its 2022 *Report*, DLCD also described actions it could take to further implementation, including but not limited to: model policies, code, and guidance for establishing appropriate standards and integrating planning processes; community engagement best practices; and grant funding for consultants, temporary local staff, technical expertise, and community engagement.

DLCD has begun implementing some of its recommendations using these methods, as described below, but is limited by staffing and funding for both the agency and local government implementation.

#### *DLCD Recommendation 1: Public Involvement*

DLCD has already developed a guidebook for local governments to use in all types of land use planning activities, titled *Putting the People in Planning*. This is an existing resource that can be readily adapted by local governments for use in outreach, education, and planning related to wildfire resiliency and preparedness.

In addition, this fall DLCD will publish a toolkit focused on public engagement in rural communities.

*DLCD Recommendation 2: Evacuation and response route planning*

Many cities and counties have not evaluated and improved their transportation networks for safe evacuation and firefighting response and integrated this into their transportation plans. This is especially important in high wildfire hazard areas. This requires collaboration with local, regional, and state governments and agencies. DLCD would like to tie this into transportation system plan (TSP) updates. This does not require additional authority but would require additional funding.

*DLCD Recommendation 3: Ensure safe evacuation and response routes in new development*

*DLCD Recommendation 4: Incorporate wildfire risk mitigation requirements for new development*

DLCD desires to produce a guidebook of best practices in planning and zoning to implement these recommendations for local governments to use voluntarily. This work will require extensive collaboration between DLCD and local governments, and therefore will require funding for both the agency and local governments.

*DLCD Recommendation 5: Prepare for post-disaster recovery*

In June of 2023, Oregon Department of Emergency Management released an [After-Action Report](#)<sup>5</sup>, which reflects on lessons learned from the historic 2020 wildfire season, and identifies an ongoing systemic need for resources and staff capacity to pivot and support communities after a disaster.

This report also highlights a need to include preparation for and mitigation of landslides, debris flows, and floods that might occur after a wildfire. DLCD is currently participating in a project led by the Oregon Department of Geology and Mineral Industries (DOGAMI) (funded through a FEMA Cooperating Technical Partners grant) researching the impact of wildfires on landslides and debris flow in Oregon, including four study areas that have recently experienced wildfire. DLCD's focus is on land use planning and potential risk mitigation activities.

*DLCD Recommendation 6: Coordinate Community Wildfire Protection Plan and Natural Hazard Mitigation Plan processes*

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<sup>5</sup> [https://www.oregon.gov/oem/Documents/OEM-SRF-AAR-ACDC-06\\_30\\_2023-FINAL-and-BOOKMARKED.pdf](https://www.oregon.gov/oem/Documents/OEM-SRF-AAR-ACDC-06_30_2023-FINAL-and-BOOKMARKED.pdf)

DLCD would like to support jurisdictions to better integrate the development and implementation of Community Wildfire Protection Plans (CWPP) and Natural Hazard Mitigation Plans (NHMP), and have relevant portions adopted into local comprehensive plans and codes. DLCD is currently doing this through a pilot project with Linn County, using FEMA hazard mitigation grant funds to provide project management and report writing support to the county for the update of its CWPP and NHMP. The CWPP is a community plan focused on common goals, including identifying local projects and priorities for community wildfire protection, adaptation, and natural resource management. Identified projects may be eligible for state and federal grant funding. The NHMP update will include a robust wildfire chapter. After that the county may make comprehensive plan and code updates to implement elements related to land use. DLCD would like to provide additional technical assistance to local governments to support this integration work; however, this work is not permitted under federal grants therefore will require non-grant funding.

DLCD's ongoing core work includes directing development into Urban Growth Boundaries. This reduces development in the WUI and directs development where adequate infrastructure exists, such as water and transportation networks to support evacuation and response.

### **Observations and Recommendations**

- DLCD should develop a best practices guide for local governments to use in implementing relevant recommendations, including how to address equity and environmental concerns.
- DLCD and local governments should be funded to integrate evacuation and response route planning into transportation system updates. Although DLCD has the legal authority to require this, there is recognition that this would mean extensive collaboration across multiple agencies and both federal and private landowners, which would require funding and cooperation.
- DLCD is encouraged to write a report on lessons learned and best practices from the Linn County pilot project, including potential sources of funding, providing a guide for other jurisdictions to accomplish work .
- Additional funding should be available to accomplish local NHMP and CWPP integration. DLCD is currently using FEMA federal grants, but having general funds to support this work would mean consistent and comprehensive community preparedness across jurisdictions for various hazards, including wildfires. (The University of Oregon, Oregon Partners for Disaster Resilience also provides similar services to support CWPP and NHMP updates for local governments using FEMA grants.)
- DLCD should broadly disseminate planning and risk mitigation recommendations arising from its current work with DOGAMI researching the impact of wildfires on landslides in Oregon.

### **Building Codes**

#### **Current Policy Context**

Improved building codes to mitigate wildfire risks, specifically through home fire hardening grant programs, has proven effective in reducing the impact of wildfires on structures. SB 5506 (2023) expanded an existing BCD program to include people affected by the 2021 wildfires,

allocating \$6 million for its implementation. From 2021-2023, BCD, in collaboration with counties, distributed grants to 621 properties, with an average grant amount of about \$4,100. With the extension of this initiative into 2024, a higher level of participation should be expected.

In 2019, the state introduced a comprehensive building code designed specifically to improve resiliency against wildfires. However, implementation of this code remained optional due to the lack of a statewide map assessing wildfire risks. This made the 2019 rules dependent on local decisions for their application.

Section 12 of SB 762 expanded on the foundation laid by DCBS efforts in 2019. This involved the addition of a statewide mapping component to ensure sufficient protection for all residents in Oregon. SB 762, as amended by SB 80, mandates that DCBS:

- Adopt and enforce section R327 of the 2021 Oregon Residential Specialty Code (ORSC) standard for all new dwellings and accessory structures on properties classified as high hazard zones in the WUI. Section R327 was amended to include standards for additions to existing dwellings and accessory structures, and for replacement of exterior elements of existing structures covered in section R327. Manufactured homes and certain temporary structures, such as RVs, were not included. However, the legislature specifically directed DCBS to include exterior element hardening standards for additions and certain remodels of dwelling and accessory buildings.
- Within 60 days following development of the statewide wildfire hazard map, develop an interactive mapping tool that displays, at the property level, these new wildfire mitigation standards to help make sure they are known and followed uniformly statewide. The tool must be free to the public, periodically updated when the relevant building code is updated; and support future inclusion of snow load, seismic and wind building code standards.
- SB 80 includes conforming amendments for SB 644, accessory dwelling units in areas zoned for residential use (Section 9).

### **Implementation Status**

SB 762 recognized that DCBS, local governments, and Oregonians would benefit from a predictable transition as R327 is implemented statewide. DCBS completed its Rules Advisory Committee process in June 2022 and will adopt the updated rules after the wildfire hazard map is finalized.

There will be a six-month phase-in period between when the standards are adopted and when they become mandatory, during which building inspectors, contractors, and other officials be educated before the hardening standards become effective.

Within two years, DCBS must review R327 and make any “necessary adjustments to the applicability of the standards and permitting requirements in the code” as it relates to residential

dwellings and accessory structures. This language was included to make sure that DCBS could implement the legislation in an efficient manner.

DCBS is on track to meet these timelines. Additionally, DCBS will be joining OSFM in a combined public information campaign once the rules are adopted and the agencies work towards implementation. DCBS does not need additional resources, data, or information to implement Section 12 of SB 762.

The R327 code provisions have been developed and remain open for local adoption, pending the release of a definitive wildfire hazard map. Notably, the scoping limitations have been revised within R327, effective as of October 1. This revision corresponds with the original intention of the two-year timeframe specified in SB 762, which was designated to allow for a gradual transition, facilitating the integration of the final scoping approach into the regular adoption cycle of the ORSC. This adoption cycle follows a three-year schedule, with updates occurring in October.

Vigilance will be maintained to determine whether any further adjustments to scoping or permitting requirements are necessary once the hazard map attains its final form.

### **Observations and Recommendations**

We recommend that the state help people comply with R327. Funding should be prioritized to those with the most need, taking into account wildfire hazards. We further recommend that the state help connect Oregonians to other sources of possible funding for home hardening.

SB 509 was introduced by Senator Golden in the 2023 legislative session. Among other things, it would have required and funded OSFM in conjunction with DCBS to establish a grant and incentive program for reducing wildfire risk through home hardening. While the bill did not pass, we recommend that this provision be pursued, aimed at renters and homeowners who earn under 120% of the area median income, especially for those in high wildfire hazard areas.

We also recommend evaluating adopting fire hardening protections for additional types of buildings, including where people do business, manufactured homes, and multi-family buildings. Construction of multi-family dwellings are projected to increase, given smaller family sizes, household incomes, and the need for more housing overall. Close to 60% of those affected by the 2020 Alameda Fire in Jackson County lived in manufactured homes and parks. Some groups of people, such as Black, Indigenous people, and people of color, are more likely to be impacted from lack of wildfire protection due to lower incomes and lack of wildfire prevention education. Those living in all these types of homes also deserve wildfire-resilient buildings, and loss of these in any future wildfires will exacerbate Oregon's housing shortage.

We recommend that OSFM be provided the authority and funding to administer the home hardening grant program, including for future years, not just for rebuilding those homes lost to past wildfires.

### [Property Insurance](#)

## **Current Policy Context**

SB 762 did not create additional requirements for DCBS related to the regulation of homeowner insurance on properties impacted by wildfire or located within the WUI and in a high hazard wildfire zone on maps prepared by ODF and OSU. Nevertheless, after release of the statewide wildfire risk map in 2022, one of the primary concerns expressed by owners of property designated as high or extreme wildfire risk was the impact of the map on the ability of property owners to purchase and maintain homeowner insurance.

Based upon those concerns, the Oregon legislature enacted SB 82 in 2023, which made important changes to Oregon law related to the issuance and cancellation of homeowner insurance policies, and premium rate increases in wildfire risk areas.

First, if an insurer cancels or refuses to renew a homeowner insurance policy based upon wildfire risk, SB 82 requires the insurer to notify the insured and describe the specific property characteristics that led to the insurer's decision, along with actions that the insured can take to mitigate the risk and improve the insurability of the property, if any. If the insurer's decision was based upon wildfire risk scores or classifications, the insurer must disclose the process used by the insurer to determine wildfire risk. If a wildfire risk score is used, the insurer must disclose the range of possible scores and the risk score assigned to the property, along with any mitigation efforts that the insured could take to mitigate the risk and lower the score.

If the insurer extends or renews coverage but increases the premium based upon wildfire risk, the insurer must describe any risk mitigation actions the insured could take to receive a discount or other lower premium adjustment, along with the potential amount of the adjustment.

Second, SB 82 requires that an insurer's underwriting and rating plans reflect how that insurer addresses or considers wildfire risk mitigation actions such as defensible space, home hardening, and community-based mitigation activities (like joining a Firewise community). The law is meant to create a framework for insurers to recognize and give credit or discounts for the significant actions communities and homeowners are taking and will continue to take to reduce their wildfire risk. It also requires insurers to include information on their website describing the discounts and credits they offer as a way of spurring competition in the market.

Third, SB 82 extends the window for a homeowner to repair, rebuild, or replace property damage resulting from wildfire to 24 months after the date of the insurer's initial payment to the insured toward the cash value of the damaged or destroyed dwelling in situations where the loss is the result of wildfire in an area subject to an order by the Governor under Oregon's Emergency Conflagration Act (ORS 476.510-476.610). In situations where the homeowner encounters difficulty or delays reconstructing a structure destroyed or damaged by wildfire, the insurer must extend the timeline up to an additional 12 months, for a total of 36 months.

Finally, SB 82 prohibits insurers from using state wildfire risk maps as a basis for canceling or refusing to renew an existing homeowner policy or increasing a premium for an existing homeowner policy.

## **Implementation Status**



SB 82 is a new statute with an effective date of January 1, 2024. DCBS has been in contact with insurers offering homeowner insurance policies in Oregon and is confident the carriers will comply. The bill creates an incentive-based program for insurers, which may take time to develop.

Oregon continues to have a robust homeowners insurance market. However, DCBS is aware of significant policy cancellations and decisions not to renew policies in areas with higher wildfire risks. There is a risk that some insurers may not be in a good position to continue with their current portfolio given the level of risk assumed based upon a percentage of their policies issued, and the market for reinsurance (insurance policies purchased by direct insurers to cover catastrophic risks) has tightened considerably, making it harder to primary insurers to absorb losses from catastrophic wildfire events.

The Oregon FAIR Plan serves as the insurer of last resort for homeowners who cannot obtain homeowner policies from any individual insurer based on excessive wildfire risk. The FAIR Plan coverage amounts have been increased to \$600,000 for loss of residential structures and \$1,000,000 for loss of commercial or industrial structures. DCBS remains confident that insurers will continue to offer homeowner policies in Oregon, and that Oregon will not see companies abandon the state, as has been seen recently in other states. Regional cancellations and non-renewals are expected to continue, however. The agency will continue to review rate change filings and intercede if needed.

#### **Observations and Recommendations**

The Council recommends that the legislature allow insurers and DCBS a period of time to adjust and comply with the new requirements of SB 82 before making further legislative changes. As property owners and insurers adjust to the new requirements for landscape treatments, home hardening, defensible space, and other mitigation efforts, we are confident that the industry will be sustainable.



### 3. ADVANCING FIRE PROTECTION

This section of the report addresses the components of Oregon’s wildfire programs focused on advancing wildfire protection through readiness and response of electric and public health systems, and by supporting resilient landscapes. It provides a summary of current policy context and implementation progress to date and offers advice and recommendations. This section also considers how to strengthen intergovernmental and multiparty collaboration including government, stakeholders, and the public on the above topics.

#### Electric Utilities

##### **Current Policy Context**

SB 762 requires the Public Utility Commission (PUC) to periodically convene public workshops for electric utilities and system operators to share information related to wildfire best practices, to adopt risk reduction standards by rule, and to evaluate and approve public utility plans that meet specified requirements within 180 days.

Public utilities (investor-owned utilities (IOUs): PacifiCorp, Portland General Electric, and Idaho Power) are required to create, and operate in compliance with, a PUC-approved wildfire protection plan; with the first plan submitted by December 31, 2021, with regular updates thereafter. The wildfire protection plans must, at a minimum contain:

- Identified heightened wildfire risk areas within the service territory
- Mitigation strategies that reflect a reasonable balance with costs
- Protocol for de-energization of power system as a mitigation strategy
- Inspection procedures in the identified high fire risk areas
- Vegetation management procedures in the identified high fire risk areas
- Costs for the development, implementation, and administration of the plan
- Community outreach and public awareness efforts

Consumer-owned utilities (COUs: rural electric cooperatives, people’s utility districts, and municipal electric utilities) are required to create, and operate in compliance with, a governing body-approved wildfire mitigation plan with the first plan submitted by June 30, 2022, with regular updates thereafter. A copy of the risk-based wildfire mitigation plan is required to be submitted to the Public Utility Commission to facilitate commission functions regarding statewide wildfire mitigation planning and wildfire preparedness. The wildfire protection plans must contain the following: 1) Mitigation strategies that protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage, and 2) a wildfire risk assessment of utility facilities.

##### **Implementation Status**

To fulfill the requirement of convening workshops for electric utilities and system operators to share information related to wildfire best practices, the PUC facilitates the Oregon Wildfire & Electric Collaborative (OWEC). Since July 2020, seven OWEC workshops have been held to discuss a range of topics where stakeholders are encouraged to participate to enhance collaboration in Oregon regarding wildfire-related operational and policy issues.

The PUC has also developed administrative rules (AR638) that detail specific requirements for public utilities to include in submitted wildfire protection plans. The administrative rules are in alignment with SB 762 and provide risk reduction standards that the public utilities can be measured against. The rulemaking also includes substantial amendments to safety standards in Oregon Administrative Rules Division 24 to address wildfires that apply to all electric utilities, including requirements for high fire risk zones identification, vegetation clearance, and equipment inspections. The PUC conducts on-site audits of all electric utilities for compliance with these safety standards.

The public utilities (PacifiCorp, Portland General Electric, and Idaho Power) all submitted their annual wildfire protection plans by December 31, 2022. To support evaluation of the plans by Oregon Public Utility Commission staff and an Independent Evaluator, the IOUs participated in seven workshops and responded to hundreds of information requests between March 14, 2023, and May 11, 2023. On June 13, 2023, the Commission approved all three of the IOUs' 2023 wildfire mitigation plans.

By August 2022, all Oregon consumer-owned utilities submitted their first wildfire mitigation plans to the PUC as approved by their governing body. SB 762 requires that COU plans be regularly updated on a schedule the governing board deems consistent with prudent utility practices. Several COUs have adopted 2023 updates to their initial plans.

### **Observations and Recommendations**

Although the PUC has the authority to develop administrative rules that describe the detailed wildfire mitigation plan requirements for public utilities (in alignment with SB 762), it does not have the same authority over the consumer-owned utilities. Each consumer-owned utility's governing body has their own authority to require and approve wildfire mitigation plans with detailed strategies and procedures. However, both public utilities and consumer-owned utilities are held to the common requirements stipulated in SB 762 and PUC safety rules in OAR Chapter 860, Division 24, including the National Safety Electric Code. By requiring all electric utilities to adopt wildfire mitigation plans, the legislature has ensured that all utilities are evaluating the necessity and manner of mitigation in their unique service territories. The legislation contains requirements for both IOUs and COUs, but allows for plan contents to be tailored to the particular service area risks in consultation with the utility's operational experts and governing authority. The Council recommends that before existing plan requirements are modified, the existing utility wildfire mitigation plans be evaluated by the PUC and the governing boards of COUs and are given time for implementation.

- Several areas were noted for collaboration opportunities between stakeholders, whether governmental bodies, utilities, other utility service providers (telecommunications), or the general public. The Council recommends that these opportunities be addressed through the evolution of each utility's wildfire mitigation plan. Collaboration between local communities, public safety partners, and utilities for the identification of community critical infrastructure as part of any de-energization procedures (i.e., irrigation used as firefighting, telecommunication services)

- Continued and expanded data sharing between stakeholders for situational awareness (i.e., weather station networks, wildfire detection camera networks, smoke detection / air quality networks)
- Coordinated community outreach and education to the general public on the various aspects of wildfire risk and mitigation strategies. Particularly, de-energization procedures, impacts, and what support services, if any, are available to the public.

Additionally, the Council recommends that state funding be considered for targeted grid resilience grants to make electrical equipment more fire resistant. The Federal Infrastructure Investment and Jobs Act (IIJA) will provide some grant funding to Oregon to begin this work. However, there are many more projects than funds available. Sixty percent of IIJA Grid Resilience Grant funds will go to the largest electric utilities, including PGE and Pacific Power. The rest of these federal funds will only reach a fraction of thirty-six remaining small COUs—many with High Fire Risk Zones and previous wildfire impacts. Additionally, the one-third matching requirement may be a barrier for some COUs with small rate bases and a large number of low-income customers. Many resilience projects, like undergrounding electric lines, may be cost prohibitive without state investment. The state of Minnesota recently created a \$115 million fund to help provide match for new IIJA energy grants. To advance this work without costly rate impacts, Oregon should consider a similar fund.

## Public Health

### Current Policy Context

SB762 initiated the development of systems to protect public health from smoke through multiple approaches with \$13 million in investments for the 2021-2023 biennium:

- Increased air quality monitoring and community wildfire smoke response plans (responsible agency: Oregon Department of Environmental Quality (DEQ)). \$3.3 million was provided for the 2021–2023 biennium.
- Increased capacity in communities across the state to offer clean air spaces (responsible agency: Oregon Department of Human Services (ODHS)). \$5.2 million was provided for the 2021–2023 biennium.
- Providing home air filtering devices to individuals living with increased susceptibility to smoke impacts (responsible agency: Oregon Health Authority (OHA)). \$4.8 million was provided for the 2021–2023 biennium.

SB 80 expanded the SB 762 ODHS shelter grant program so that non-profits and faith groups are eligible to apply for funds supporting improvements to public buildings for providing cleaner air, and cooling and warming shelters. However, this bill did not provide funding.

### Implementation Status

Public health programs have all been completed and there is no funding allocated to support ongoing work to protect public health in the next biennium.

#### *DEQ Actions:*

DEQ grants and contracts funded by SB 762 supported projects that created alternatives to outdoor burning including yard debris and slash pile burning, enhanced smoke preparedness for

Oregon’s Tribes, developed Community Response Plans in smoke sensitive communities across Oregon, implemented these plans in communities that already had them, and completed comprehensive emissions testing on air curtain incinerators as an alternative to slash pile burning. Through public engagement, DEQ identified locations for 20 new DEQ-built low-cost SensOR sensor modules to be placed across the state. Parts for building the sensor modules were purchased; however, due to lack of continued funding to support staffing needs for operation, hardware and data management, they have not been constructed and deployed.

*ODHS Actions:*

ODHS issued a grant program to fund improvements to public spaces for governments, public education providers, and Tribal Nations in need of cleaner air and warming and cooling spaces for emergency purposes. Twenty-six recipients in 16 counties received funding awards to make improvements. ODHS estimates the unmet need based on interest surveys and unfunded applications at \$18 million.<sup>6</sup>

*OHA Actions:*

OHA purchased 10,000 air purifiers for distribution to individuals residing in six counties with highest levels of wildfire smoke. Five thousand air purifiers were distributed by Coordinated Care Organizations to Oregon Health Plan (OHP) members with health conditions that are affected by smoke. An additional 5,000 were distributed in summer 2023.

**Observations and Recommendations**

The Council strongly recommends reinvestment in wildfire smoke protections for public health, and future consistent, ongoing investment. SB 762 funding for three public health agencies represented a small overall percentage (6%) of that bill’s fiscal resources to strengthen Oregon’s wildfire readiness and response. Yet these programs showed results in mitigating the impacts of wildfire smoke. Residential air purifiers and clean air shelter programs also helped protect Oregonians who may experience the most harm from smoke exposure—those who are unhoused, low-income, or with underlying health conditions.

A DEQ report on wildfire smoke released in July 2023 illustrates the stark increase in significant wildfire smoke impacts to air quality, observed across the state.<sup>7</sup> There are more air monitors across the state, thanks in part to the existence of home unit sensors such as Purple Air. However, given known accuracy and QA issues with the Purple Air sensors and network, there is a need for more reliable monitors, especially areas of the state not adequately covered by existing monitors. DEQ was able to identify locations for new units with community input and purchased parts to build new monitors. Additional funds are needed for staff capacity to build, deploy, operate and maintain those monitors.

The wildfire smoke response protocol includes a convening call of DEQ, OHA, and other stakeholders across the state to create air quality advisories and messaging to protect communities that are likely to see smoke impacts during wildfire season. Without additional funding support, DEQ has limited ability to support this work to assess air quality risks and develop tailored communications throughout the wildfire season.

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<sup>6</sup> From <https://www.oregon.gov/odhs/about/legislativeinformation/2023-sb-762-1536-report.pdf>

<sup>7</sup> <https://www.oregon.gov/deq/wildfires/Documents/WildfireSmokeTrendsReport.pdf>

In addition to the overall recommendation to consistently fund public health wildfire programs, program-specific recommendations include:

#### *DEQ*

- Provide funding to support staff to build, deploy, operate and maintain air quality monitors, and to support wildfire smoke response assessment/communication calls throughout the season
- Provide funding to continue development and implementation of community smoke response plans across the state.

#### *OHA*

- Provide funding to continue support of home air filtration programs beyond 10,000 purchased with one-time funding.
- Broaden eligibility to include programs that provide materials for do-it-yourself (DIY) air cleaners using box fan(s) and MERV 13 filter(s). These units can be assembled easily and at lower cost than branded filters, and research has found them to be effective at cleaning indoor air. This would also eliminate the need for expensive replacement filters that are not readily available for purchase.
- Broaden the eligibility of home air filters beyond OHP members to include other vulnerable community members and community-based organizations that serve them.
- Expand the coverage of air filter programs to include congregate sites serving community members that may be more impacted by wildfire smoke, such as adult foster homes and daycares.
- Provide funds to local public health departments and community-based organizations and faith-based groups to administer indoor air quality programs. This will allow flexibility in tailoring these programs to communities. Allow for these funds to support staff time such as staffing cleaner air shelters during wildfire smoke response.
- Provide funds to support evaluation of indoor air quality programs, including observed health impacts and unintended costs such as increased utility bills.
- Ensure air filtration programs provide education about proper use of filters to maximize efficacy in the home.

#### *ODHS*

- Consider identified needs of K-12 public schools' infrastructure in ODHS's report.<sup>8</sup> In some cases, schools did not seek funds for building improvements due to the requirement that shelters be open to the public. Waive the requirement for schools to provide public shelters, or fund school infrastructure upgrades in some other way.
- Provide funding for grants to local entities— including public health, community-based organizations, and faith-based groups— to set up and staff clean air, warming and cooling shelter spaces in communities across the state.

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<sup>8</sup> <https://www.oregon.gov/odhs/about/legislativeinformation/2023-sb-762-1536-report.pdf>

### **Current Policy Context**

SB 762 required ODF to design and implement a treatment program to reduce wildfire risk on public or private forestlands and rangelands, and in communities near homes and critical infrastructure, through restoration of landscape resiliency and reduction of hazardous fuels; to consult and cooperate with OSU Extension, state and federal agencies, counties, cities, other units of local government, Indian Tribes, public and private forestland and rangeland owners, forest collaboratives, and other relevant community organizations to select projects for treatment; establishes criteria for project selection and design; develop a 20-year strategic plan that prioritizes restoration actions and geographies; report regarding the status of the program development and implementation by January 15, 2022, and again upon completion of projects by June 30, 2023; and prohibits commercial thinning on specified protected lands.

SB 762 also directed ODF to establish a small forestland grant program for the purpose of providing grants, on a competitive basis, to support small forestland owners of one to 160 acres west of the Cascades, and one to 640 acres east of the Cascades, in reducing wildfire risk through the restoration of landscape resiliency and reduction of hazardous fuels on their property; and to set criteria for assessing grant applications and awarding grants.

In 2023, SB 80 established a dedicated landscape resiliency fund in the State Treasury. This will allow future continuous appropriation of funds to ODF for landscape resiliency projects. It also allows for philanthropic donations to be made directly to the fund for the purpose of increased scale of landscape resiliency projects.

### **Implementation Status**

For the 2021-2023 biennium, ODF awarded \$19.7 million in landscape resiliency grants to nine cross-boundary projects through 30 individual agreements.<sup>9</sup> This work had to be completed by June 30, 2023. These investments resulted in \$15.8 million of additional matching dollars leveraged, and treatment of 211,915 acres. ODF also awarded \$4.8 million in small forestland grants that reached over 6,000 private landowners, leveraged \$3 million in match, and treated 3,887 acres. \$800,000 of the total awards were distributed to 20 Firewise communities.

For the 2023-2025 biennium, the landscape resiliency program was allocated \$10 million and the small forestland program \$2.5 million. At the time this report was published, proposals for this round of landscape resiliency program funding had been submitted to ODF with decisions pending in fall 2023.

ODF also completed initial mapping and identification of priority geographies and restoration actions for a 20-year Landscape Resiliency Strategy through an extensive collaborative process with interagency partners and a wide range of stakeholders.<sup>10</sup> The vision statement of the

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<sup>9</sup> A report monitoring these investments and the grant process was developed by the Ecosystem Workforce Program at the University of Oregon:

[https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/28501/WP115\\_Final.pdf?sequence=1&isAllowed=y](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/28501/WP115_Final.pdf?sequence=1&isAllowed=y)

<sup>10</sup> <https://www.oregon.gov/odf/fire/documents/olrs-progress-report.pdf>

strategy is “Healthy and resilient landscapes supporting Oregon's social, economic, and ecological goals.” Work will continue to further develop this strategy and plans for its implementation, including a summit in fall 2023.

## **Observations and Recommendations**

- The legislature should provide a long-term funding commitment into the new landscape resiliency fund, and include stable funding for additional field and grant administration staff to implement the vision of SB 762 for the landscape resiliency program. Ongoing, upfront investment in landscape resiliency will allow future avoided costs and savings over time, and improve the health of forests and rangelands.
- A portion of funding awards should be dedicated to maintenance of previously treated landscapes.
- State agencies should work with federal agencies, Tribes, NGOs, and other partners to ensure that federal investments (e.g., Inflation Reduction Act) are leveraged to maximize Oregon’s interests. They should also seek additional funding through philanthropic sources and public-private partnerships. An ongoing collaborative approach to sharing resources, programs and commitments to risk reduction is needed.
- ODF and partners should explore ways to support increased prescribed burning as part of landscape resiliency projects and the 20-year strategy.

## Prescribed Fire

### **Current Policy Context**

SB 762 required ODF to:

- Adopt rules to clarify that prescribed fires may be planned to burn across land ownership boundaries within a single permit if consent is obtained from all persons on whose lands the fire is planned to burn; and finalize rules by November 30, 2022.
- Institute a Certified Burn Manager program. It also incorporates Forest Protective Associations into statutes pertaining to prescribed fire and the Certified Burn Manager program.
- Consult with the Oregon Prescribed Fire Council regarding best practices for conducting the Certified Burn Manager program, initiate rulemaking to establish the program, and report to the legislature on its progress by December 1, 2021. ODF is also directed to cooperate with federal agencies to increase the effectiveness of these activities.

In 2023, SB 80 further invested in prescribed fire by directing ODF to establish a Prescribed Fire Liability Pilot Program and administer the program. This program is intended to support increased pace and scale of prescribed and cultural burning by providing coverage for losses from prescribed fires and cultural burning by nonpublic entities (e.g., cultural fire practitioners, private landowners, nongovernmental entities, Certified Burn Managers as defined in ORS 526.005, companies, contractors, and operators). This will establish a \$5 million claim fund for



escaped prescribed fire in the State Treasury. The bill also requires sunset or review of the claim fund program in five years, and directs ODF to establish rules for this program.

### **Implementation Status**

Rulemaking about cross-boundary burning under SB 762 was completed and approved by the Board of Forestry. Rulemaking on the Certified Burn Manager program was completed as well, and ODF program managers have developed a curriculum outline, appointed an advisory board to advise on minimum requirements, and are moving forward with plans for providers to offer trainings.

To address SB 762's requirements for consultation and cooperation, ODF worked to ensure that its wildfire programs are integrated internally. Related to prescribed fire, this has involved working closely with the development of the 20-year and landscape resilience work, both of which include prescribed fire as a core activity to achieve the goals of those directives.

Implementation of the SB 80 prescribed fire liability pilot program will require some changes in bill language. ODF is prepared to support the legislature with technical advice if these changes will be addressed in the 2024 short legislative session.

### **Observations and Recommendations**

- The Certified Burn Manager Program is on the cusp of implementation. The Council recommends tracking this implementation and seeking opportunities to monitor and learn where improvements may be needed.
- The Council recommends further vetting of guidelines for cultural burning with Tribes and cultural fire practitioners to ensure that their perspectives and needs are addressed.
- Further avenues are needed for certified burn managers to advance prescribed fire during limited seasonal windows of opportunity. DEQ smoke rules limit available burn windows, and there is a need for future exemptions to smoke rules to allow for more prescribed fire to reduce fuels rather than experience the increased smoke potential from large wildfires.

## [Oregon Conservation Corps](#)

### **Current Policy Context**

SB 762 defined the purpose of the Oregon Conservation Corps (OCC) Program established within the Oregon Higher Education Coordinating Commission as reducing the risk wildfire poses to communities and critical infrastructure, helping to create fire-adapted communities, and engaging youth and young adults in workforce training. The bill also described what qualifies as an eligible organization to do this work, which includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training. The OCC Fund in SB 762 was directed to be used primarily for program grants.

In the 2023 legislative session, \$10 million was appropriated for this program for the 2023-2025 biennium. In addition, House Bill 3563 created the Oregon Youth Works Advisory Board to



oversee the work of the Oregon Youth Corps, Oregon Conservation Corps Program, and the Oregon Youth Employment Program, increasing efficiencies in program delivery and addressing a recommendation from the Council's prior annual report.

### **Implementation Status**

OCC received \$11.6 million in funding through SB 762 with three primary areas of focus: 1) reducing risk through fuel reduction projects in the WUI; 2) accomplishing the reduction of risk in the WUI through established workforce training, with a focus underserved communities through skill development and career exposure for youth and young adults ages 16–26; and 3) developing strategic partnerships to help sustain funding through private investment and partnership with the Oregon Community Foundation.

Specific accomplishments included:

- Served more than 450 Oregon youth.
- Crews conducted more than 106,500 hours of restoration work.
- 23% of participants identified their OCC involvement as their first work experience.
- Paid more than \$3.75 million in wages.
- Treated more than 3,000 acres in more than 70 zip codes.
- Treated more than 550 sites.
- Provided more than 36,000 education hours.
- Secured philanthropic match for \$1 million in general fund dollars, authorizing the disbursement of \$1 million in grants.
- Worked with ODF and local fire departments to ensure that wildfire risk reduction work was undertaken safely and professionally.

### **Observations and Recommendations**

Consistent, predictable funding remains a high priority need in the next biennium. Although \$10 million was eventually appropriated for 2023-2025, funding was uncertain for much of the session, making out-year program and staffing planning difficult at best. Stable funding could also include continuing philanthropic match, as was done in the 2021–2023 biennium.

## APPENDIX: WILDFIRE PROGRAMS ADVISORY COMMITTEE ROSTER

**Chairperson, Mark Bennett (Unity)**

Member representing County Government

**Vice Chairperson, Chase Browning (Medford)**

Member who represents fire marshals with wildland-urban interface firefighting experience

**Joshua Shaklee (Douglas County)**

Member who is a land use planning director for a wildland-urban interface county

**Jim McCauley (League of Oregon Cities)**

Member representing City Government

**Bradley Clark (Grants Pass)**

Member who is a land use planning director for a wildland-urban interface city

**Nick Browne (Clackamas/Canby)**

Member who represents fire chiefs with wildland-urban interface firefighting experience

**Ian Yocum (Dayton):**Member who represents firefighters with wildland-urban interface firefighting experience

**Dave Hunnicutt (Hillsboro)**

Member who represents rural residential property owners whose property is wholly or partially within the wildland-urban interface

**Samantha Bayer (Eagle Point)**

Member who represents farmers whose land is wholly or partially within the wildland-urban interface

**John O’Keeffe (Adel)**

Member who represents ranchers whose land is wholly or partially within the wildland-urban interface

**Debi Lorence (Halfway)**

Member who represents forestland owners whose property is wholly or partially within the wildland-urban interface

**Steve Rondeau (Klamath Tribe)**

Member who represents federally recognized Indian tribes with land wholly or partially within the wildland-urban interface

**Allen Berreth (Portland)**

Member who represents a utility company

**Susan Jane Brown (John Day)**

Member who represents environmental interests

**Terry Fairbanks (Jacksonville)**

Member who represents forest resiliency interests

**Mary Kyle McCurdy (Portland)**

Member who represents state or regional land use planning organizations

**Karna Gustafson (Bend)**

Member who represents land and housing development interests or real estate industry interests

**Sarah Worthington (Bend)**

Member who represents public health professionals

**Rene Braga (Medford)**

Member who represents the environmental justice community

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