



State of Oregon Advancing Wildfire Protection

*Implementation and Advancement of
Senate Bill 762 (2021 Regular Session)*

Office of Governor Kate Brown





State of Oregon
Wildfire Programs Director - Report 2 | March 2022

Advancing Wildfire Protection in Oregon

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Senate Bill 762 (2021 Regular Session)

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Implementation Agencies

Department of Consumer and Business Services	(DCBS)
Department of Environmental Quality.....	(DEQ)
Department of Human Services.....	(DHS)
Department of Land Conservation and Development.....	(DLCD)
Higher Education Coordinating Commission.....	(HECC)
Office of Oregon State Fire Marshal.....	(OSFM)
Oregon Department of Forestry.....	(ODF)
Oregon Emergency Management.....	(OEM)
Oregon Health Authority	(OHA)
Oregon State University.....	(OSU)
Public Utility Commission.....	(PUC)
Wildfire Programs Advisory Council.....	(WPAC)

Executive Summary

Senate Bill 762 passed in the 2021 regular session of the Oregon legislature and was signed into law by Governor Brown in July 2021. This legislation represents Oregon's comprehensive response to readying the state for increased catastrophic wildfires, intensified by the impacts of climate change. Investments in SB 762 total \$195 million and are allocated across programs consistent with the National Cohesive Wildfire Strategy: Adequate Response, Fire-Adapted Communities, and Resilient landscapes (Appendix I).

This implementation status report is produced by the Wildfire Programs Director every two months for the Governor, the presiding officers of the Oregon Legislature, and the chairs of relevant legislative committees. Overall, implementation is going very well. Agencies have met all implementation deadlines, interagency coordination is strong, and stakeholder engagement has been robust.

The most controversial and polarizing issues with SB 762 remain the development of a statewide wildfire risk map and the identification of high and extreme risk classes. The impetus for scrutiny on these topics largely relates to the downstream regulations that will apply on high and extreme risk parcels within the wildland urban interface (WUI), including defensible space requirements, building code standards, and potential land use implications. With that said, Oregonians representing a wide

range of constituent groups are effectively working closely with state agencies and boards through a variety of rule-making processes to ensure the most successful outcomes on all these efforts. Critical timelines for these rule-making and program development processes are detailed in the implementation status section of this report.

Since the first Director's report, Congress passed the Infrastructure Investments and Jobs Act. Funding from the IIJA will augment Oregon's investments from SB 762 including advancements in utility infrastructure, workforce development, wildfire readiness and response capacity, resilient landscapes, community risk reduction, and wildfire detection cameras. Implementation agencies and the Governor's office are tracking closely with Oregon's congressional delegation to ensure federal dollars are leveraged to the greatest extent possible.

While SB 762 invested \$195 million in the 2021-23 biennium, according to the bill's fiscal analysis, only \$69 million is identified as current service level in the 2023-25 budget to continue this critical work. This funding gap signifies that critical thinking and leadership will be of paramount importance to ensuring the efficacy and sustainability of vital programs created this biennium through SB 762, along with the evaluation of new investments in fire protection for Oregon.





Introduction

Oregon is no stranger to wildland fires. But in the past decade, as our summers have grown longer, hotter, and drier, our landscapes and communities have become increasingly susceptible to wildfire. Severe and expanding drought continues to plague the state, as rivers and reservoirs run low because of insufficient snowpack and the lack of rainfall. In 2020, Oregon experienced its most devastating fire season in many years, when more than 2,000 fires burned 1.2 million acres. Nine lives were lost in the Labor Day wildfire events, along with more than 5,000 homes and commercial structures. Fires burned in Clackamas County outside the Portland metro area, causing the area to have some of the world's worst air quality for several days, and throughout the state. Through all this, it has become increasingly clear that Oregon is fighting fires of a new age—made more intense by the impacts of climate change. While recovery and rebuilding remain a priority—especially in communities that are excluded from traditional recovery methods,

and those that have been disproportionately impacted by wildfire devastation—advancement in fire protection, with a modern approach, must also be a focus.

Recognizing this need, Governor Brown created the Council on Wildfire Response in early 2019. The Council was tasked with compiling comprehensive recommendations and a cohesive strategy to deal with the increasing difficulties posed by wildfires and smoke, tailored specifically to the challenges faced in Oregon. The Council put forward a comprehensive report with 37 recommendations among three key strategies, which are based on the National Cohesive Strategy on Wildfire: creating fire-adapted communities, increasing wildfire response preparedness, and making Oregon's landscapes healthier, stronger, and more resilient. Most of the Council's recommendations were codified in [Senate Bill \(SB\) 762](#), through the dedicated leadership of the legislature during the 2021 regular session.

Two key provisions to administering SB 762 were to appoint a Wildfire Programs Director and to establish the Wildfire Programs Advisory Council. The [Governor appointed Doug Grafe](#) as Director, and the Council has been established by the legislature with a broad cross-section of members, representing different interests and geographic areas of the state.

One of the responsibilities of the Director is to provide bi-monthly reports to the Governor, the presiding officers of the Oregon Legislature, and the chairs of relevant legislative committees. The purpose of this report is to summarize progress on the implementation of SB 762, note obstacles and opportunities, and catalog possibilities for future improvements to further reduce wildfire risk in Oregon.

Overall, implementation for the first year of the biennium is progressing well. The Implementation Status section of this report offers:

- Key due dates for SB 762 deliverables
- The agency or organization responsible for each deliverable
- Links to further details as needed

The Obstacles and Opportunities section, along with the Catalog of Future Possibilities section, offers an assessment of ongoing implementation opportunities to advance fire protection in Oregon, efficiently and commensurate with the reality of wildfire risk. These sections will be updated in each bi-monthly report.



Duties of the Wildfire Programs Director

- Oversee implementation of SB 762
- Coordinate activities of 11 implementation agencies
- Ensure compliance with deadlines
- Monitor and assess the equity of any financial impacts of implementation activities on local jurisdictions
- Supervise council staff and develop director reports every two months
- Explore current and future opportunities to reduce wildfire risk



Roles of the Wildfire Programs Advisory Council

- Advise and assist the wildfire programs director
- Monitor SB 762 implementation and evaluate agency reports
- Advise on changes necessary to dramatically reduce wildfire risk and ensure regional defensible space, building codes, and land use applications are appropriate
- Strengthen intergovernmental and multiparty collaboration including government, stakeholders, and the public
- Assess how Oregon's wildfire risk map may inform building codes and land use laws, rules, and decisions in a regionally appropriate manner
- Assess the application of defensible space requirements to vineyards, crops, and other cultivated vegetation
- Review the findings and recommendations in the DLCD's October 2022 report, and make additional recommendations to land use planning, local comprehensive plans, and zoning codes to minimize wildfire risk
- Report every October to the Governor and appropriate committees or interim committees of the Oregon Legislative Assembly



Senate Bill 762 Implementation Status

2021

- Rulemaking requirement
- Reporting requirement
- Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Sept. 1	Oregon Legislature	Wildfire Programs Advisory Council members must be appointed	(Completed) Website currently under construction.
Oct. 27	Board of Forestry (BOF) & ODF	Adopt by rule Wildland Urban Interface (WUI) definition	(Completed) ODF : Board of Forestry meetings : Board & committees : State of Oregon Initiated Aug. 24, 2021 and completed Oct. 20, 2021
Nov. 1	WPAC	Council must begin meeting regularly	(Complete and Ongoing) 2022 schedule is established: Website currently under construction.
Nov. 30	BOF & ODF	Initiate rulemaking to clarify a person may conduct a prescribed fire that burns across land ownership boundaries if the person obtains and complies with a permit and obtains consent from all landowners, and establish a Certified Burn Manager Program	(Complete and Ongoing) ODF : Board of Forestry meetings : Board & committees : State of Oregon Initiated July 21, 2021 and must be completed by November 30, 2022

Date	Responsible Party	Required Action	Implementation Status
Dec. 1	BOF & ODF	Consult with the Oregon Prescribed Fire Council concerning best practices for a Certified Burn Manager Program, and report to the legislature on when the department expects to launch the program	<p>(Complete and Ongoing)</p> <p>ODF: Prescribed fire : Fire : State of Oregon Rules Advisory Committee (RAC) includes Oregon Prescribed Fire Council. ODF has hired a Prescribed Fire Coordinator to build out this program.</p>
Dec. 31	Investor-Owned Utilities (IOUs) & PUC	Must submit first risk-based wildfire protection plan to the PUC. Public input on plans are scheduled at PUC for March 11.	<p>(Complete and Ongoing)</p> <p>On Nov. 30, the PUC adopted temporary rules governing risk-based wildfire protection plans required to be filed by the IOUs.</p> <p>https://apps.puc.state.or.us/orders/2021ords/21-440.pdf.</p> <p>To view the three risk-based utility wildfire mitigation plans, visit the following link, the reports are located in the right column: https://www.oregon.gov/puc/safety/Pages/Wildfire-Mitigation.aspx</p>
Dec. 31	ODF	Report to wildfire legislative committees/Director/Council on WUI, risk classes, and mapping rulemaking progress	<p>(Complete and Ongoing)</p> <p>Report to the legislature on December 21, 2021: https://www.oregon.gov/odf/aboutodf/pages/legislative-reports.aspx.</p>
Dec. 31	OEM	Update its statewide emergency plan to prepare for and respond to wildfire emergencies	<p>(Complete and Ongoing)</p> <p>OEM, ODF and OSFM collaborated to update the Statewide Emergency Plan. https://www.oregon.gov/oem/Documents/2021_OR_EOP_ESF_04_Firefighting.pdf</p>

2022

- Rulemaking requirement
- Reporting requirement
- Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Jan. 15	ODF	Provide interim report on wildfire risk reduction project selection to natural resources legislative committees/Director/Council/Governor	(Complete and Ongoing) https://www.oregon.gov/odf/aboutodf/pages/legislative-reports.aspx
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(Complete and Ongoing) https://www.oregon.gov/osp/programs/sfm/Shared%20Documents/OSFM%20Biannual%20762%20%20Report%202022.pdf
June 30	Consumer-Owned Utilities (COUs)	Submit first risk-based wildfire mitigation plan to the utility governing body	(In Progress and On Track)
June 30	ODF & OSU	Must finish all Section 7 mapping requirements	(In Progress and On Track) ODF presents recommended rules to BOF on March 9 and requests public hearing rule process. OSU has begun preliminary mapping efforts to meet June 30 deadline.
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(In Progress and On Track)
Sept. 1	DCBS	Complete interactive mapping tool	(In Progress and On Track) DCBS and OSU have established an interagency agreement to complete this mapping tool by the September 1 deadline.
October	WPAC	First annual report to Governor/relevant legislative committees	(In Progress and On Track) WPAC meets on April 8 to begin framing and collecting content for this report.
Oct. 1	DCBS	Adopt R327 (wildfire hazard mitigation building code standards) for new dwellings and dwelling accessory structures, and amend R327 to include standards for additions to existing dwellings and dwelling accessory structures and for replacement of certain existing exterior materials	(In Progress and On Track) DCBS is preparing a rule making process through the Residential and Manufactured Structures Board. A rules advisory committee will be established, once ODF/OSU completes the WUI map on June 30.

Date	Responsible Party	Required Action	Implementation Status
Oct. 1	DLCD	Report on needed updates to the statewide land use planning program and local comp plans and zoning codes to wildfire legislative committees/Director/Council	(In Progress and On Track) Hired SB 762 implementation planner to begin framing DLCD report; started public outreach.
Nov. 30	ODF	Complete rulemaking to clarify a person may conduct a prescribed fire that burns across land ownership boundaries if the person obtains and complies with a permit and obtains consult from landowners	(In Progress and On Track) ODF : Prescribed fire : Fire : State of Oregon . ODF rules advisory committee is prepared to complete their work this summer, and the agency will continue rule making through the BOF.
Dec. 31	OSFM	Establish minimum defensible space requirements	(In Progress and On Track) Oregon Defensible Space Code Development Committee established on Feb 23. The committee includes both chairs of the Oregon Fire Code Advisory Board, who advise on final rule promulgation.

- Rulemaking requirement
 Reporting requirement
 Other implementation requirements

2023

Date	Responsible Party	Required Action	Implementation Status
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
June 30	ODF	Complete wildfire risk reduction projects	(In Progress and On Track) \$25 million in ODF grants have been selected by diverse review committees and are currently being allocated. Ongoing grant administration is necessary to support grantee implementation efforts.
June 30	DHS	Report to appropriate legislative committees/ Director/Council on the status of the Clean Air Shelter Grant Program	(In Progress and On Track) Bill language is included in SB 1533 to expand grant eligibility to Tribes and schools. With the passage of SB 1533, DHS will broaden their grant solicitation. DHS is also investigating mobile air filtration systems that can be deployed to large spaces such as gymnasiums.

Date	Responsible Party	Required Action	Implementation Status
July 15	ODF	Final report on wildfire risk reduction program to natural resources legislative committees/Director/Council/Governor	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)

2024

- Rulemaking requirement
 Reporting requirement
 Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)
Oct. 1 (at the latest)	DCBS	Must update R327 to ensure the code incorporates the standards and to make any necessary adjustments to the applicability of the standards and permitting requirements in the code	(On Track)




2025

- Rulemaking requirement
 Reporting requirement
 Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)

Date	Responsible Party	Required Action	Implementation Status
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)

2026

-  Rulemaking requirement
-  Reporting requirement
-  Other implementation requirements

Date	Responsible Party	Required Action	Implementation Status
Jan. 1	Counties	Required to ensure that all lands within the county that are outside of forest protection districts and susceptible to wildfire have baseline level or higher of wildfire protection	(On Track)
Feb. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
Aug. 1 (approx.)	OSFM	Biannual report to wildfire legislative committees/Director/Council on defensible space	(On Track)
October	WPAC	Annual report to Governor/relevant legislative committees	(On Track)

Note: OSFM biannual defensible space reporting requirement and WPAC reporting requirements do not sunset.

Key implementation efforts without specific deadlines in SB 762 include:

OHA – RESIDENTIAL SMOKE FILTRATION GRANT PROGRAM

- OHA will consult with DHS for their June 2023 report to the legislature regarding the public clean air shelter grant program.
- 2,500 residential air filtration units are on order and storage facilities prepared, while units await distribution. Targeted distribution is planned among persons vulnerable to the health effects of wildfire smoke and who reside in areas susceptible to wildfire smoke.

DEQ – COMMUNITY WILDFIRE RESPONSE PLANS AND SMOKE MONITORING INFRASTRUCTURE

- Community Smoke Response Plans: Community grants will be awarded by the end of March. There are currently five communities with smoke response plans; four more are in progress; and an expected 20 – 30 communities will be seeking grants.
- Smoke Monitor Infrastructure: Five of the 20 new nephelometers funded under SB 762 are planned to be operational in advance of the 2022 fire season.

HECC – OREGON CONSERVATION CORPS ADVISORY COMMITTEE

- Members were appointed by the Governor in December and quickly got to work with HECC to advertise \$10 million in grants to reduce community fire risks and promote youth workforce development by reducing hazardous fuels.
- Recommendations for grant awards will be before the Committee on March 10.



Implementation Obstacles and Opportunities

As SB 762 implementation continues to take place, it's important to note ongoing opportunities to advance fire protection in Oregon, as well as to be transparent about obstacles and barriers to progress. This section of the bi-monthly report will evolve over time, informed by coordination meetings scheduled quarterly with the 11 agencies tasked with SB 762 implementation responsibilities. Additionally, the quarterly scheduled Wildfire Programs Advisory Council (WPAC) meetings will be critical to help assess implementation progress, obstacles, and opportunities. The WPAC, by law, is not a decision-making body, but instead is established to provide advice, assistance, perspective, ideas, and recommendations to the Wildfire Programs Director. Given the complexity of policies and programs that SB 762 advances, the Wildfire Programs Director will lean heavily on the advice of the WPAC. The following are observations on obstacles and opportunities to ensure successful implementation. This section of the report is formatted consistent with the section-by-section summary of SB 762 in Appendix II, for ease of reference.

Senate Bill 762 - Advancing Wildfire Protection in Oregon

Section-By-Section Bill – Implementation Obstacles and Opportunities, March 2022 – Director Report 2

ELECTRIC SYSTEM PLANS (Sections 1-6)

Obstacles/awareness items:

- Public Safety Power Shutoffs (PSPS) are a wildfire prevention measure where utilities de-energize power during severe weather events. PSPS are a part of utilities' risk-based wildfire protection plans and will require greater public awareness, readiness, and acceptance. Successful implementation will take great care by utility companies and all Oregonians.

Opportunities:

- Leveraging and incorporating utility infrastructure investments including wildfire detection cameras and weather stations, into the statewide wildfire readiness system.
- Broader understanding as to why municipally owned utilities, organized under ORS.225, are not required to produce risk-based wildfire protection plans under section 3 and 3(a) of SB 762 will be helpful.

STATEWIDE MAP OF WILDFIRE RISK (Sections 7 & 31-34)

Obstacles/awareness items:

- Defining the Wildland Urban Interface (WUI) and the identification of high and extreme risk classes represents one of the more controversial and polarizing issues with SB 762. The impetus for intense scrutiny on these topics largely relates to the downstream regulations that will apply on high and extreme risk parcels within the WUI.
- During the final ODF rules advisory committee meetings in February, ODF and the committee contemplated the removal of any additional quantifier in the definition of "structure", that is not supported in the metadata of the statewide dataset available to OSU. This raised concerns over broadening the WUI map to beyond the rules advisory committee's counsel to the agency. At the time of this report, ODF and OSU are working through mapping delineation processes and procedures that will meet the intended mapping delineations of the committee. Additionally, ODF and OSFM are collaborating on their agency authorities to ensure the intent of the committee is met during implementation.
- Development and implementation of a notification and appeals process for property owners on their assignment of risk class designations will be a significant administrative challenge for ODF. During the ODF rules advisory committee meetings in February, there was some interest in the establishment of an appeals process to the WUI designation.

Opportunities:

- An officially designated comprehensive statewide map of wildfire risk is the foundation for many aspects of SB 762 implementation, including informing the deployment of limited funds and resources to the greatest areas of wildfire risk in the state. Ensuring a user-friendly mapping tool is available to all Oregonians and appropriate staffing long-term to maintain this product through OSU will be important.
- It may be important to consider advancements in metadata of the state to produce more extensive geospatially referenced data sets to inform future WUI mapping adjustments.

DEFENSIBLE SPACE (Sections 8-10)

Obstacles/awareness items:

- Assessing the application of defensible space requirements to agricultural lands, including vineyards, crops, and other cultivated vegetation, will be an important function of the WPAC and was a point of concern during SB 762 development. Assuring the effective implementation of defensible space standards on these lands will take great care by OSFM.

Opportunities:

- Defensible space standards are a proven measure to mitigate wildfire risk to homes and communities, while providing for the safety of first responders. This will be a new program for Oregon to develop and implement. Growing this program to optimal performance, in partnership with local jurisdictions, will be a critical step in advancing fire protection in Oregon.

LAND USE (Section 11)

Obstacles/awareness items:

- Reviewing the DLCD report and making additional recommendations will be an important function of the WPAC. The possibility of applying land use restrictions due to wildfire risk assessments was a point of concern during SB 762 development. DLCD's report is due in October, along with the WPAC report. There will likely need to be a special addendum to the WPAC report in November due to this scheduling discrepancy. Successful development and implementation of any land use recommendations will take great care by DLCD.

Opportunities:

- The advancement of land use planning and zoning codes are intended to minimize wildfire risk. Successful implementation will take prudent assessment by DLCD and the WPAC to address issues such as safe evacuation and development considerations in areas of extreme and high wildfire risk.

BUILDING CODES (Section 12)

Obstacles/awareness items:

- Adopting wildfire hazard mitigation building code standards, such as requiring fire resistant exterior elements, was a point of concern during the development of SB 762. Successful development and implementation of any new building code standards will take great care by DCBS.

Opportunities:

- The advancement of wildfire hazard mitigation building codes standards are intended to minimize wildfire risk to structures. Successful implementation will take prudent assessments by both DCBS and the WPAC, as required in SB 762.

HEALTH SYSTEMS FOR SMOKE (Sections 13-15)

Obstacles/awareness items:

- New programs and grants will be developed through these sections to protect public health from the negative effects of smoke. Early indicators suggest that the interest in deploying residential air filtration systems managed by OHA, is greatly outweighing available funding. Regarding DHS's grant program to develop clean air spaces accessible to the public, amendments to SB 1533 seek to broaden outreach to eligible recipients.

Opportunities:

- This critical investment in infrastructure and response planning to protect public health will position the state to make greater strides toward reducing catastrophic fire risk through advancements in the application of prescribed fire.
- Expanding smoke monitoring equipment and the number of community smoke response plans with DEQ, will help the state's ability to prepare communities for the additional smoke impacts expected with more catastrophic wildfires in Oregon's future.

EMERGENCY RESPONSE & DISASTER RECOVERY (Sections 16-17)

Obstacles/awareness items:

- The updates to the statewide emergency plan in this section is on track. The statewide coordination requirements to advance emergency response will take a concerted effort throughout the biennium with all emergency response partners.

Opportunities:

- Expanded coordination and training across emergency response organizations will be critical to effective wildfire response. Developing productive mutually beneficial relationships between state and local governments, Tribes, and other interested parties such as non-profits will be critical to success.

WILDFIRE RISK REDUCTION PROGRAM (Sections 18-20)

Obstacles/awareness items:

- This section reflects a long-term vision. It will take time beyond this biennium to reach the pace and scale of landscape restoration necessary to have meaningful impacts on catastrophic wildfire risk reduction, as recognized in the requirement for a 20-year strategic plan. There are currently over two million acres of federal lands restoration projects ready for implementation in Oregon. Several barriers exist to implementing these projects and future projects. SB 762 aims to mitigate those challenges through efforts such as workforce development, advancement of prescribed burning, and interagency collaboration.

Opportunities:

- Leveraging federal funding from the Infrastructure Investment and Jobs Act can help to significantly increase the pace and scale of landscape resiliency.
- The volume of grant applications for resilient landscape work across the state clearly indicates a great interest in this work. ODF has selected its \$25 million in grant projects leveraging their partnerships across an all-lands approach. The Infrastructure Investments and Jobs Act, proposes significant funding for landscape resiliency nationally, and Oregon is positioned well with federal partnerships in shared stewardship and good neighbor authorities to attract infrastructure dollars to augment SB 762's investment.

OREGON CONSERVATION CORPS (Sections 21-23)

Obstacles/awareness items:

- The newly formed Oregon Conservation Corps Advisory Committee manages the Oregon Conservation Corps Program. This Committee will actively seek and source private donations to support the Oregon Conservation Corps Program. SB 762 appropriates \$1 million to match private donations for this program, but it is uncertain whether this match will be fully utilized this biennium.

Opportunities:

- A successful workforce development program that develops youth to be employable within natural resources professions should gain the interest of many private natural resource companies and organizations. Creating private/public partnerships will aid in the success of this program.

SMALL FORESTLAND GRANT PROGRAM (Section 24)

Obstacles/awareness items:

- Implementation is proceeding well without any challenges. Grant administration and community support will now be ODF's focus moving forward.

Opportunities:

- This grant program is part of the overall Wildfire Risk Reduction Program strategy of restoring landscape resiliency through the reduction of hazardous fuels across all land ownerships. Consistent with sections 18-20, leveraging federal funding from the Infrastructure Investment and Jobs Act can help to significantly increase the pace and scale of landscape resiliency.

PRESCRIBED FIRE (Sections 25-27)

Obstacles/awareness items:

- This program establishment is aspirational with several challenging obstacles to successful implementation, including an adequately trained workforce to conduct prescribed burns, simple liability standards in Oregon, and a limited burn window outside the expanding peak of fire season where burns can be conducted safely and effectively.

Opportunities:

- Establishing this program will take Oregon down the much-needed path of advancing prescribed fire use to mitigate the risk of catastrophic wildfire. Leveraging federal funding from the Infrastructure Investment and Jobs Act will help advance the use of prescribed fire on private, public, and Tribal lands.

FEDERAL PARTNERSHIPS (Section 27a)

Obstacles/awareness items:

- NA

Opportunities:

- Leveraging federal funding from the Infrastructure Investment and Jobs Act is critical to advancing landscape resiliency and the reduction of hazardous fuels on federal lands, along with all other lands in Oregon.

PROTECTED AREAS (Sections 28-29)

Obstacles/awareness items:

- The implementation date of January 1, 2026 for this section is a recognition that this effort is complex, will take time, and will require leadership persistence and coordination across state agencies and local governments over the next several biennia to fully implement.

Opportunities:

- Strengthening the coordination between state and county emergency response organizations, by setting a baseline standard of protection will advance fire protection in Oregon. SB 590 (2021) is a complementary policy to SB 762 that will advance fire protection to north central Oregon's wheat growing region.

WILDFIRE RESPONSE CAPACITY (Section 30)

Obstacles/awareness items:

- Due to the Emergency Board's unique investment of \$5 million in January 2021 to the ODF's Special Purpose Appropriation, coupled with the passage of SB 762 in the 2021 session, \$15 million was available to ODF for the purposes of readying the state for the 2021 fire season. Heading into the 2022 fire season, ODF's Special Purpose Appropriation will be approximately \$5 million less, without the unique one-time investment from the Emergency Board.

Opportunities:

- SB 762 investments in both OSFM and ODF's wildfire response capacity has advanced wildfire protection in Oregon. Investments in fire protection through federal funds from the Infrastructure Investment and Jobs Act will amplify the state's investments, collectively raising Oregon's state of readiness to address wildfire.

WILDLAND URBAN INTERFACE (WUI) FIRE PROTECTION (Sections 31-34)

See Section 7 above

STATE WILDFIRE PROGRAMS DIRECTOR (Section 35)

Obstacles/awareness items:

- Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among jurisdictions will be a challenge. The Wildfire Programs Director will seek advice from the WPAC on where to focus attention and how to meet this expectation of the position.

Opportunities:

- The Catalog of Future Possibilities section of this report identifies future opportunities to advance fire protection in Oregon. Several of these efforts are currently ongoing – such as the passage of HB 2571 (2021) – to study the liability of prescribed fire in Oregon. The Wildfire Programs Director will seek advice from the WPAC to support ongoing efforts and consider setting other concepts in motion.

WILDFIRE PROGRAMS ADVISORY COUNCIL (Sections 36-39)

Obstacles/awareness items:

- All 19 members of the WPAC have been actively engaged and their dedication to advancing wildfire protection in Oregon is clear. The WPAC's first annual report is due in October 2022, and this will take a significant effort by council members. Given their volunteer status and the complexity of issues in SB 762, it will be important for the Wildfire Programs Director to assist the council wherever needed.

Opportunities:

- The Wildfire Programs Director will rely heavily on the council's advice, perspectives, and recommendations to advance fire protection in Oregon. The diversity of council perspectives and the honest discussions at council meetings will be of great value to the director in the execution of their duties.
- The WPAC can play an important role in developing productive mutually beneficial relationships between state and local governments, Tribes, and other local/regional stakeholders.

CONFORMING AMENDMENTS (Sections 40-43)

NA

APPROPRIATIONS (Sections 44-64)

NA

CAPTIONS (Section 65)

NA

EMERGENCY CLAUSE (Section 66)

NA

Catalog of Future Possibilities

The cataloging of future possibilities to advance fire protection in Oregon will evolve with future meetings of the Wildfire Programs Advisory Council, legislative coordination, lessons learned through implementation of SB 762, outcomes of the Infrastructure Investments and Jobs Act, and inter-agency coordination. As a starting point, the following concepts include recommendations from the Governor's Council on Wildfire Response that were not advanced fully in SB 762 along with a few emerging considerations:

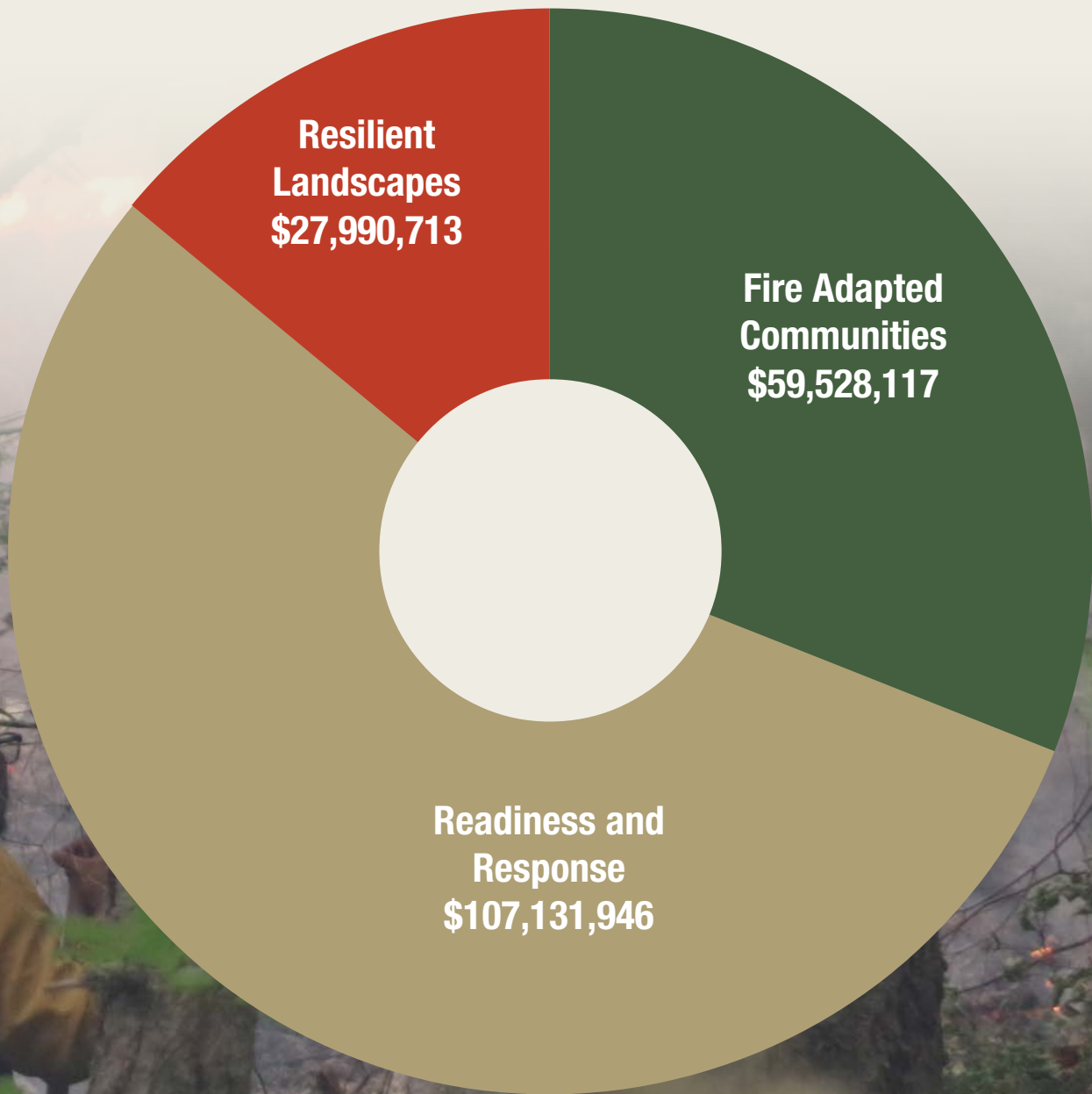
- Recommendations 5 & 12: Insurance Risk Mitigation Incentives and Affordability
- Recommendations 10 & 11: Stafford Act Reform and Local Economic Recovery Fund
- Recommendations 14 & 37: Landscape Resiliency Fund – Leveraging Infrastructure Bill
- Recommendation 19: Prescribed Fire Liability (related to HB 2571 – 2021 session)
- Recommendations 21 & 37: Emergency Fire Suppression Funding
- Recommendation 33: Prevention Advancements and Communication
- Recommendation 37: 20-year strategic financial funding plan
- Durable Recovery Programs including disaster survivor Mass Care and transitional housing support (nexus to FEMA hazard mitigation grants and related to HB 5006 – 2021 session)
- Durable SB 762 investments and program adjustments: Prevention, Readiness, Mitigation and Response
- Evolving the Interagency Statewide Wildfire Detection Camera System



Appendix I

SB 762 Investment Distribution (\$195 Million)

National Cohesive Wildfire Strategy - Tenants



Appendix II

Section by Section Summary

Senate Bill 762-Enrolled: Wildfire Omnibus Bill

ELECTRIC SYSTEM PLANS (Sections 1-6)

- Requires the Public Utility Commission (PUC) to periodically convene 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.
- Requires public utilities to create, and operate in compliance with, a PUC-approved wildfire protection plan. First plan must be submitted by December 31, 2021.
- Requires consumer-owned utilities to create, and operate in compliance with, a governing body-approved wildfire mitigation plan. First plan must be submitted by June 30, 2022.

STATEWIDE MAP OF WILDFIRE RISK (Section 7)

- Requires ODF to oversee, and OSU to execute, the development and maintenance of a comprehensive statewide map of wildfire risk that includes wildland urban interface boundaries and wildfire risk classes by **June 30, 2022**.
- Requires that ODF, in consultation with OSU, establish five statewide wildfire risk classes of extreme, high, moderate, low, and no risk.
- Requires the Oregon Board of Forestry (Board) to adopt rules that provide opportunities for public input and appeal on assignment of properties to wildfire risk classes.
- Requires OSU to collaborate with ODF, OSFM, other state agencies, local governments, Tribes, other public bodies, and other information sources to create the map.
- Requires that the map be made publicly accessible and requires OSU to provide technical assistance to state and local governments and to landowners to use the

map and associated Oregon Wildfire Risk Explorer platform.

- Requires the final map be used to inform policy actions and programs as detailed in the Act.

DEFENSIBLE SPACE (Sections 8-10)

- Defines 'defensible space' as a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared, or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.
- Requires OSFM to establish minimum defensible space requirements for wildfire risk reduction on lands located within the wildland urban interface (WUI) on the statewide map by **December 31, 2022**.
- Requires OSFM to establish defensible space requirements that are consistent with the International Wildland-Urban Interface Code and to consult with the Oregon Fire Code Advisory Board in establishing Oregon-specific requirements. Allows local governments to adopt more stringent defensible space requirements.
- Authorizes either OSFM or a local government to administer and enforce the minimum defensible space requirements, and allows OSFM to provide financial, administrative, technical, or other assistance to local governments for administration and enforcement.
- Directs OSFM to administer a community risk reduction program that emphasizes wildfire risk education and prevention methods, defensible space enforcement, response planning, and community preparedness for wildfire. Establishes the Community Risk Reduction Fund to carry out the program.

LAND USE (Section 11)

- Requires DLCD to identify needed updates to the statewide land use planning program, local comprehensive plans, and zoning codes to incorporate the wildfire risk map and to minimize wildfire risk by **October 1, 2022**.

BUILDING CODES (Section 12)

- Requires DCBS to adopt R327 wildfire hazard mitigation building code standards for new dwellings and dwelling accessory structures in extreme and high wildfire risk classes by **October 1, 2022**, to be operative no earlier than **April 1, 2023**.
- Requires DCBS to amend section R327 to include standards for additions to existing dwellings and dwelling accessory structures and for replacement of certain existing exterior materials by **October 1, 2022**, to be operative no earlier than **April 1, 2023**.
- Requires DCBS in collaboration with OSU to develop and maintain a free, publicly accessible interactive mapping tool that displays R327 wildfire hazard mitigation standards at the property level and is designed to support future inclusion of snow load, seismic, and wind building code standards. This tool must be established no more than 60 days following the completion of the wildfire risk map, identified in section seven, or no later than **August 31, 2022**.



HEALTH SYSTEMS FOR SMOKE (Sections 13-15)

- Requires DEQ to establish a program to support communities in detecting, preparing for, communicating, or mitigating the environmental and public health impacts of wildfire smoke.
- Requires DEQ to monitor, interpret, and communicate air quality data.
- Requires DHS, in consultation and coordination with OHA, to establish and implement a local government clean air shelter grant program. Establishes DHS as the lead state agency for clean air shelter operations and shall report on grant program development by **June 30, 2023**.
- Requires OHA to establish a smoke filtration system grant program to increase the availability of residential smoke filtration systems among persons vulnerable to the health effects of smoke who reside in areas susceptible to wildfire smoke.

EMERGENCY RESPONSE & DISASTER RECOVERY (Sections 16-17)

- Adds 'wildfire' to state definition of 'emergency.'
- Requires OEM to update its statewide emergency plan to prepare for or respond to wildfire emergencies on an area-wide or statewide basis, including wildfire risk mitigation efforts and evacuations, by **December 31, 2021**.
- Requires OEM to coordinate with cities, counties, and other specified entities to ensure local efforts align with the statewide plan, and to provide training and community education.

WILDFIRE RISK REDUCTION PROGRAM (Sections 18-20)

- Requires 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.
- Requires ODF to consult and cooperate with OSU Extension, state and federal agencies, counties, cities, other units of local government, 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.
- Prohibits commercial thinning on specified protected lands.
- Requires ODF to develop a 20-year strategic plan that prioritizes restoration actions and geographies.
- Requires ODF to report regarding the status of the program development and implementation by **January 15, 2022**, and again upon completion of projects by **June 30, 2023**.

OREGON CONSERVATION CORPS (Sections 21-23)

- Establishes the Oregon Conservation Corps Program to reduce wildfire risk to communities and critical infrastructure, to help create fire-adapted communities, and to engage youth and young adults in workforce training.
- Establishes the Oregon Conservation Corps Advisory Committee within the HECC to administer the program grant process and to engage private sector funding.
- Establishes grant process requirements and priorities.
- Establishes the Oregon Conservation Corps Fund to be used primarily for program grants.

SMALL FORESTLAND GRANT PROGRAM (Section 24)

- Directs 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. Requires ODF to set criteria for assessing grant applications and awarding grants.

PRESCRIBED FIRE (Sections 25-27)

- Requires ODF to establish by rule a Certified Burn Manager Program. Requires ODF to consult with the Oregon Prescribed Fire Council concerning best practices for conducting the program, initiate rulemaking to establish the program, and provide a progress report to the Legislative Assembly by **December 1, 2021**.
- Allows a person to conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit, complies with its conditions, and obtains consent from relevant landowners. Requires related ODF rulemaking to be initiated by November 30, 2021 and completed by November 30, 2022.

FEDERAL PARTNERSHIPS (Section 27a)

- Requires ODF to cooperate with federal agencies to increase the effectiveness of federal forest management programs, agreements, and activities.

PROTECTED AREAS (Sections 28-29)

- Requires the State Forester in collaboration with OSFM, state agencies, and local governments, to adopt rules establishing baseline levels of wildfire protection, that reflect regional conditions, for lands outside of forest protection districts that are susceptible to wildfire.
- Authorizes the State Forester to provide financial assistance to counties to assist landowners with forming or modifying wildfire protection jurisdictions to ensure adequate protection, and to develop wildfire protection facilities, equipment, training, and other resources.

- Requires counties to ensure all applicable lands within the county have baseline level or higher wildfire protection by **January 1, 2026**.

WILDFIRE RESPONSE CAPACITY (Section 30)

- Requires ODF to establish and maintain an expanded system of automated smoke detection cameras and associated staff.
- Requires ODF to consult and coordinate with OSFM, other state and federal agencies, local fire defense board chiefs, and private stakeholders, to determine the adequacy of state, federal, and private wildfire response capacity, and adequacy of available mutual aid to provide wildfire response on WUI lands.
- Requires OSFM and ODF to increase their wildfire readiness and response capacities.

WILDLAND URBAN INTERFACE (WUI) FIRE PROTECTION (Sections 31-34)

- Requires the Board of Forestry to establish a definition of ‘wildland urban interface’ (WUI) and criteria by which the WUI shall be identified and classified.
- Repeals and harmonizes existing statutes to ensure consistency with new processes for WUI designation.

STATE WILDFIRE PROGRAMS DIRECTOR (Section 35)

- Establishes a Governor-appointed State Wildfire Programs Director to oversee implementation of this Act, including ensuring program coordination and compliance with deadlines, assessing financial impacts, supervising staffing of the Wildfire Programs Advisory Council, reporting regularly to the Governor and legislature, and exploring opportunities to further reduce wildfire risk in Oregon.

WILDFIRE PROGRAMS ADVISORY COUNCIL (Sections 36-39)

- Establishes a Wildfire Programs Advisory Council to advise and assist the Director by closely monitoring implementation of this Act, providing advice on potential changes to activities to meet goals, strengthening intergovernmental and multiparty collaboration, developing strategies to enhance collaboration among governmental bodies and the public, assessing ways the statewide map could inform development of building codes and land use laws, rules, and decisions in a regionally appropriate manner, assessing application of defensible space requirements to vineyards, crops, and other cultivated vegetation, and reviewing DLCD findings and recommendation related to land use and the minimization of wildfire risk.
- Requires the President of the Senate and Speaker of the House to jointly appoint 19 members to the Council from a specified list of representative entities and requires the presiding officers consult in good faith with legislative minority leaders. Specifies terms of service and other formative parameters.
- Requires DCBS, DLCD, OSFM, ODF, and the OSU Extension Service to cooperatively staff the Council. Requires Council to submit annual reports beginning **October 2022**.

CONFORMING AMENDMENTS (Sections 40-43)

- Provides conforming amendments.

APPROPRIATIONS (Sections 44-64)

- Provides for General Fund appropriations and increases in expenditure limits to fund duties and programs required by the Act.



CAPTIONS (Section 65)

- States purpose of captions.

















EMERGENCY CLAUSE (Section 66)

- Declares emergency, effective on passage.



SB 762-A: Implementation Timeline

 Action deadline  Report due to Legislature, Director, Council






FIRE-ADAPTED COMMUNITIES

2021						2022						2023												
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
MAP: ODF to establish WUI definition & risk classes rulemaking and OSU to create map																								
100 days: WUI Defined 						 Dec 31: ODF progress report						 June 30: Statewide map complete												
COMMUNITY RISK REDUCTION: OSFM Wildfire education, prevention, preparedness (& defensible space enforcement beginning Jan 2023)																								
						 Jan: OSFM biennial report						 Aug: OSFM biennial report						 Jan: OSFM biennial report						
DEFENSIBLE SPACE: OSFM to modernize standards																								
																		 Dec 31: Minimum standards established & enforced						
BUILDING CODES: DCBS R327 code updates																								
												 Oct 1: R327 code adoption & Map						 April 1: R327 code operative						
LAND USE: DLCD to update program																								
												  Oct 1: DLCD complete program update and report												
UTILITIES: PUC offers workshops to share best practices for wildfire risk reduction; PUC standards established by rule; and electric utility risk-based wildfire plans created & implemented																								
												 Dec 31: Public Utilities submit plan						 June 1: Consumer-Owned submit plan						
WILDFIRE EMERGENCY PREPAREDNESS: OEM regional coordinators work with cities, counties, and others to ensure alignment with statewide plan and provide training																								
												 Dec 31: Update statewide emergency plan to include wildfire												
COMMUNITY SMOKE RESPONSE PLANS: DEQ establishes a program to assist in developing community response plans to mitigate smoke																								
AIR QUALITY MONITORING ENHANCEMENT: DEQ community outreach, and deployment of air quality monitoring equipment																								
CLEAN AIR SHELTER GRANT PROGRAM: DHS to establish grant program to establish clean air shelters with advanced air filtration systems in public buildings																								
																		 June 30: Update on grant program						
SMOKE FILTRATION SYSTEM GRANT PROGRAM: OHA to establish grant program to increase availability of residential smoke filtration devices for vulnerable populations.																								
																		 June 30: Periodically report on grant program						



SB 762-A: Implementation Timeline Continued

 Action deadline  Report due to Legislature, Director, Council












RESILIENT LANDSCAPES

2021						2022						2023												
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
WILDFIRE RISK REDUCTION PROGRAM: ODF to implement fuel reduction projects to restore landscape resiliency across public and private lands. Develop a 20-year plan.																								
						 Jan 15: ODF progress report						 June 30: Complete projects & July 15: Final Report												
WILDFIRE WORKFORCE CORPS: HECC to set up Advisory Committee and grants program for fuel treatments and wildfire risk reduction in home ignition zones.																								
												 June 30: Biennial report												
SMALL WOODLAND GRANT PROGRAM: ODF grant program to reduce wildfire risk by restoring landscape resiliency																								
FACILITATING EASIER ACCESS TO PRESCRIBED FIRE: Establish Prescribed Burn Manager Program to mitigate wildfire risk																								
						 Dec 1: Board of Forestry report & initiate rulemaking						 Nov 30: Complete rulemaking												

RESPONSE

2021						2022						2023												
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
ENHANCED WILDFIRE READINESS & RESPONSE CAPACITY: ODF and OSFM fire suppression, coordination, and response (personnel, equipment, training, etc.)																								
BASELINE FIRE PROTECTION LEVELS: Rulemaking to establish baseline protection levels for all lands susceptible to wildfire (jurisdiction formation, facilities, equipment, training, etc.)																								
																		 Jan 2026: Baseline levels fully reestablished 						

OVERSIGHT

2021						2022						2023																																																					
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July																																									
STATE WILDFIRE PROGRAMS DIRECTOR: Implementation oversight of this 2021 Act and investigate opportunities for further risk reduction																																																																	
						 Bimonthly report																																																											
WILDFIRE PROGRAMS ADVISORY COUNCIL: Advise and assist the Director by closely monitoring implementation and recommending changes to further reduce risk																																																																	
												 Oct: Annual Council report																																																					

Appendix III

Wildfire Programs Advisory Council

Appointed - September 1, 2021

Term Appointments as per: SB 762 Section 36 (4), (7) & Section 38

- (a) 3-year term: Member representing County Government
Commissioner Mark Bennett (Baker)
- (b) 4-year term: Member who is a land use planning director for a wildland-urban interface county
Joshua Shaklee (Douglas County)
- (c) 3-year term: Member representing City Government
Jim McCauley (League of Oregon Cities)
- (d) 4-year term: Member who is a land use planning director for a wildland-urban interface city
Bradley Clark (Grants Pass)
- (e) 3-year term: Member who represents fire chiefs with wildland-urban interface firefighting experience
Nick Browne (Clackamas/Canby)
- (f) 4-year term: Member who represents fire marshals with wildland-urban interface firefighting experience
Chase Browning (Medford)
- (g) 3-year term: Member who represents firefighters with wildland-urban interface firefighting experience
Ian Yocum (Dayton)
- (h) 4-year term: Member who represents rural residential property owners whose property is wholly or partially within the wildland-urban interface
Dave Hunnicutt (Hillsboro)
- (i) 3-year term: Member who represents farmers whose land is wholly or partially within the wildland-urban interface
Samantha Bayer (Eagle Point)
- (j) 4-year term: Member who represents ranchers whose land is wholly or partially within the wildland-urban interface
John O’Keeffe (Adel)
- (k) 3-year term: Member who represents forestland owners whose property is wholly or partially within the wildland-urban interface
Carol Whipple (Elkton)
- (l) 4-year term: Member who represents federally recognized Indian Tribes with land wholly or partially within the wildland-urban interface
Steve Rondeau (Klamath Tribe)
- (m) 3-year term: Member who represents a utility company
Allen Berreth (Portland)
- (n) 4-year term: Member who represents environmental interests
Susan Jane Brown (John Day)
- (o) 3-year term: Member who represents forest resiliency interests
Amelia Porterfield (Portland)
- (p) 4-year term: Member who represents state or regional land use planning organizations
Mary Kyle McCurdy (Portland)
- (q) 3-year term: Member who represents land and housing development interests or real estate industry interests
Karna Gustafson (Bend)
- (r) 4-year term: Member who represents public health professionals
Tamarah Cline (Umatilla)
- (s) 3-year term: Member who represents the environmental justice community
Alessandra de la Torre (Phoenix)

Thank you

The Wildfire Programs Director's Report is made possible by the dogged leadership of Oregonians across the state, the Legislature, and the Governor's office, working together to address the rising risk of catastrophic wildfire in Oregon.

“We cannot solve our problems with the same thinking we used when we created them.”

Albert Einstein

The passage of SB 762 represents new thinking by Oregonians to address our wildfire challenges. Many thanks to the community leaders and champions who have made this possible.



Governor Kate Brown
Wildfire Program

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