

From: Michael Jamieson, Resident of Washington County

To: Senate Committee On Wildfire Reduction and Recovery

Re: SB 1536

My name is Michael Jamieson; I'm a resident and family forest owner in rural Washington County; retired from 29 years with Tualatin Valley Fire and Rescue as a firefighter, Lieutenant and Captain involved in fire suppression; actively involved with forestry for over 50 years, accumulating over 2800 acres of forestland since 1970; member of Oregon Small Woodlands Association; and member of the Farm Bureau. My short testimony to the Committee on February 5, 2020 was the first time I have been to the Capitol building since a field trip when I was in the fourth grade (1958).

I very much appreciate the opportunity to speak before this senate committee which is dealing with the increased severity of wildfire in Oregon.

I will write my comments addressing my concerns, in the order of items in this omnibus bill. My overall concern is that such an all encompassing bill shouldn't be dealt with in such a short session.

Utilities

My home electricity is supplied by West Oregon Electric Co-Op, a consumer owned utility. West Oregon has many miles of power lines through forests to serve the rural areas. A fire occurred in Sept 2018 as a result of a dead tree falling on a power line adjacent to some of our land. Fortunately, the one customer who's power went out, investigated the outage, rapidly reported the fire, and worked vigorously to contain the fire until fire agencies arrived. West Oregon Electric already has the highest electric rates in Oregon, and may not be able to afford proper power line upkeep. For me, this means that it is probably time this small entity becomes part of a larger company with a more diverse customer base. I am in favor of such consolidation if it is necessary to have safer power lines at affordable electric rates.

Land Use

Many mapping systems showing information down to "property-ownership level" already exist, including maps created by OSU, and an available smart phone app called "On x Hunt", on which one can view detailed aerial photos, a topographic overlay and ownership information. What is needed is just the creation of the wildfire risk overlay. This should be done by Oregon Department of Forestry, NOT, the Department of Land Conservation and Development.

Further planning and zoning relative to wildfire Interface areas is not needed by the State, Counties or local agencies. The number of properties having rural dwelling sites available for new homes is minimal, due to laws past over the last few decades. Further attempts at planning and zoning "solutions" would be quite futile. Rural residents are the eyes and ears for reporting fires started in forested areas. It is now the occupants of rural residences that not only report fires but are often the first hands on a shovel to contain such fires.

These laws have actually created a large, unregulated source of wildfire risk. There are many existing small parcels of land in forested areas that do not qualify for a dwelling. If someone was able to build a

home on these parcels, that use would come with required fire safety, access and mitigation measures. Perhaps someone believes that if these parcels are not "buildable", they will revert to forest use. This is not what has occurred. The market value of these parcels has risen to a level far above affordability for forest use. I live within an hour of the Portland metropolitan area. Even parcels as small as 2 or 3 acres, with road access and some flat area are selling for \$50,000 or more. People buy them to use on weekends as a place to recreate. This recreation includes shooting guns, riding off road vehicles, having campfires, running a generator, and other potential causes of fire. These activities have no required buffers, no required protective measures and minimal regulation from any agency. Oregon Department of Forestry has some rules, but inadequate staff for meaningful 24/7 enforcement. Also, there are now an increasing number of homeless and what I call "semi-homeless" people staying in wildfire risk areas. I have personally encountered these people many times. Usually, it is the "semi-homeless", as the truly homeless don't have the resources for vehicular travel. I define the "semi-homeless" as those work, but who don't have a job that enables them to rent a place to live year round. In these economic circumstances, with earnings that cannot support 12 months of rent, some choose to drive into a rural area during the warmer months, and live/sleep in a car or van. They sometimes have small warming or food preparation fires. In 2018 there were 2 wildland fires near my home that began with small human made campfires set by unknown persons. I have also seen many remains of such extinguished campfires. Indeed, the large "Canyonville" fire in Douglas County was started by a "homeless camp". This bill does nothing to prevent this ever more common source of fires.

The citizen efforts to minimize such homeless or "semi-homeless" overnight are made more difficult by a BLM policy of permitting unregulated camping on BLM land for up to 2 weeks. I realize that it is difficult for Oregon to significantly influence BLM policy, but effort should be made.

The Section 10 concept of having insurance companies assist in residential wildfire prevention is a good concept.

Defensible Space

In Section 11, the requirement that defensible space requirements be applied equally statewide of "all lands of that type in areas susceptible to wildfire" is not the best approach. For example, dwellings in forest lands in southern Oregon and eastern Oregon need greater defensible space than those in forest lands of coastal northwest Oregon. This is recognized in Chapter 6, (page 25) in the referenced Wildland-Urban Interface Code (2012 edition) as Table 603.2 of that code shows different "fuel modification distances" (defensible space) based on 3 degrees of hazard. This degree of "fire severity hazard" is well explained in Chapter 5, section 502, of the same document.

For existing structures, the suggested inspections need to be voluntary, as in my opinion as any government entry to private property perceived by the landowner/homeowner to be involuntary will in many cases be vigorously resisted.

Building Code

This is not within my area of expertise, other than having seen many fires resulting from inadequate structural prevention measures.

Health Effects

Again, I have no expertise in this area.

Emergency Management

Treatment Program

While this is a good concept, I do not think the large required expenditures will be effective as the predictability of future fire location is not possible, and the forest areas needing improvement cover too great an area. The moneys could be better allocated to other preventive measures, or for enforcement of fire prevention measures among forest users who are not landowners or homeowners.

Protection of Land

This is an important effort, but again this portion of the bill doesn't adequately cover all that is needed in this area. First, this bill's language only addresses getting the wildfire **LANDS** (emphasis added) covered by fire protection, not the intermingled homes and other structures. For an effective program, an integrated program that includes land and structures needs to exist. For example, I live in an area of Washington County that is not within a Rural Fire Protection District. Over the years, I have tried and failed under existing laws to get the populated area where I live into a fire district. (There are over 25 square miles in Townships 2N, Range 2W; T2N, R3W; T3N, R3W; and T3N, R3W with no fire agency for protection of houses or other structures) The land and forests here are covered by the Oregon State Department of Forestry. As ODF has no structural fire suppression capability, the structures have only fire protection by courtesy from the nearby Fire Districts. The local Fire Districts don't want to spend their taxpayer's funds initiating action to assist the annexation of out of district residents, the County Commissioners haven't been interested in initiating action they see as a fire agency issue, and to do it by petition, it requires the signatures of owners of a majority of the land area. There is enough interspersed industrial and government forest land, that meeting this requirement hasn't been possible. At least in the more populated areas of the State, the law should mandate counties to also assist jurisdictions to expand to cover dwellings and other structures in areas at risk of wildfire.

Again, I don't think these issues can be adequately discussed and addressed in such a short legislative session.

Funding Study, Joint Partnerships, Council, Captions

While ODF clearly needs more personnel and funding to deal with the increasingly difficult tasks of minimizing wildfire risk, preventing wildfires, minimizing wildfire damage, and enforcing wildfire prevention rules, I do not have any suggestions on the measures suggested by this bill in how to effectively accomplish this. More work needs to be done to clarify ODF's role in these activities. At least in the "Funding Study" section there is an acknowledgment in Section 25(3) that more time is needed.

THINGS THIS BILL SHOULD ADDRESS AND DOES NOT

1. There needs to be some way to create and enforce fire safety requirements 24/7 for recreational use or any overnight use on non-buildable parcels of land in wildfire risk areas

2. There needs to be language so that any land area taken out of forest production for the creation of defensible space, wildfire buffers or fire breaks approved by ODF or another fire agency shall continue to qualify to be taxed as forestland.

3. Creation of a required document to be signed, notarized and recorded prior to the construction of a residence in a wildfire risk area, similar to the remonstrance required concerning accepted farm and forest practices, where the homeowner acknowledges he/she understands he/she is building a home in a wildfire risk area, and that he/she accepts that the home may be subject to loss due to tactical decisions made by fire service professionals, etc. (As a recorded document it will show up on any future Title Insurance Policy, in any future real estate transaction such that purchasers are made immediately aware of the situation they are buying into.)

4. Create an available substantial funding source for immediate use if an insect or disease begins to kill forest trees or other vegetation in a way that has the potential of substantially increasing wildfire risk. This funding source needs to be immediately available upon declaration of such emergency by the Governor or an Agency head, so that immediate multi-agency work or research can begin to solve or mitigate the issue. Once the trees have died, the wildfire risk multiplies rapidly.

Conclusion

Many of the subjects in this proposed legislation need to be addressed for the benefit of all people living in Oregon, and especially those who live or have a vested interest in affected lands. I strongly believe that this short session of the legislature does not provide adequate time to resolve these issues well.

I have addressed, as well as my limited time permits, my concerns about the specifics of this proposed legislation. I am willing to participate in future efforts to improve this proposed legislation or assist in any other way.

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