

## SB 248 -1 STAFF MEASURE SUMMARY

### Senate Committee On Natural Resources and Wildfire Recovery

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**Meeting Dates:** 3/15, 3/17

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#### WHAT THE MEASURE DOES:

Requires the Oregon Department of Forestry to study and make recommendations regarding prevention of wildfires to an interim natural resources committee of Legislative Assembly. Sunsets January 2, 2023. Takes effect on 91st day following adjournment sine die.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-1 Replaces the measure. Requires the **Public Utilities Commission (PUC) to periodically convene workshops** for electric companies, **consumer owned-utilities (COUs)**, and electrical distribution system operators to develop and share information related to wildfire best practices. Requires **electric companies** to have a regularly updated **risk-based wildfire protection plan** approved by the PUC. Specifies plan requirements, and requires the first plan to be submitted by December 31, 2021. Requires COUs to create, and operate in compliance with, a regularly updated **risk-based wildfire mitigation plan** approved by the utility's governing body. Requires COUs to submit the first plan by June 30, 2022 and to submit a copy of the approved plan to the PUC. Requires COUs to conduct a periodic wildfire risk assessment of utility facilities. Establishes the **definition of the wildland urban interface (WUI)** as an area in which humans or human development meets or intermixes with wildland fuels. Requires that the **Oregon Department of Forestry (ODF)**, in collaboration with others, oversee the development and maintenance of a publicly accessible, **comprehensive statewide map of wildfire risk**. Requires ODF by rule to establish WUI wildfire risk criteria and classes to be integrated into the statewide map, and establishes additional map requirements. Requires ODF provide a progress report to a wildfire committee of the Legislative Assembly December 31, 2021, and map completion by June 30, 2022. Repeals the remainder of the current Wildland-Urban Interface Fire Protection statutes. Requires the **State Fire Marshal** to establish **minimum defensible space requirements** consistent with the International Wildland-Urban Interface Code standards, by land type, by December 31, 2022. Establishes that defensible space requirements for a type of land will apply statewide for all lands of that type. Allows **local governments** to adopt more stringent defensible space requirements, but requires that they be consistent with the same code. Allows the State Fire Marshal to administer and enforce standards, and allows local governments to contract with the State Fire Marshal to administer and enforce requirements in their jurisdiction. Allows local government to administer and enforce their more stringent standards, if created. Requires the State Fire Marshal to develop and maintain a **statewide defensible space map**. Requires the State Fire Marshal to provide financial, administrative, technical, or other assistance to local governments, and requires local governments to expend financial assistance provided by the State Fire Marshal to prioritize creating defensible space on land owned by members of socially and economically vulnerable communities, persons with limited English proficiency, and persons of lower income. Establishes the Wildfire Defensible Space Fund to carry out the local government financial assistance program. Requires the **Department of Land Conservation and Development**, in consultation with others, to identify and recommend needed **updates to the statewide land use planning program and local land use codes** to incorporate wildfire risk maps and minimize wildfire risk, in a report to a wildfire committee of the Legislative Assembly by December 31, 2022. Requires the **Department of**

**Consumer and Business Services** to adopt **R327 wildfire hazard mitigation building code standards** for new construction in high wildfire risk classes, operative December 31, 2022. Requires the **Environmental Quality Commission** to establish a program to detect and evaluate wildfire smoke levels for public health risk purposes, and to make public health risk information available to local public health authorities and the public. Requires the **Oregon Health Authority (OHA)** to establish **clean air shelters** within local communities, including provision and installation of filtration systems, in cooperation with local governments. Establishes that clean air shelters must be available to the public without charge during periods when wildfire smoke levels present a public health risk. Requires OHA to establish a **grant program** to increase the availability of **smoke filtration systems** in areas susceptible to wildfire smoke for persons vulnerable to the health effects of smoke. Authorizes OHA to issue grants to install smoke filtration systems in residential and commercial buildings, and buildings open to the public, and requires OHA to prioritize residential buildings occupied by lower income persons who are vulnerable to health effects of smoke. Requires the **Office of Emergency Management (OEM)** to update its statewide emergency plan to prepare for or respond to wildfire emergencies on an area-wide or statewide basis, including risk mitigation and evacuation planning. Requires OEM to coordinate with cities, counties, and other specified entities to provide training, exercises, and community education. Requires ODF, in consultation and cooperation with others, to design and implement a **treatment program to reduce wildfire danger** on public or private forestlands and rangelands, completing project operations by June 30, 2023. Requires ODF to collaborate with Oregon State University to identify strategic landscapes that are ready for treatment, and to give priority to projects on lands flagged as high importance categories under the Quantitative Risk Assessment, lands currently approved for treatment projects under the National Environmental Policy Act, and projects that meet human and ecological goals. Specifies certain project design objectives. Prohibits commercial thinning on specified protected lands. Requires ODF to develop performance measures and condition-based metrics for monitoring and communicating the effectiveness of state investments in mitigating wildfire risk. Requires ODF to report regarding the status of the program development and implementation by January 15, 2022 and again upon project completion. Requires ODF to consult with the Oregon Prescribed Fire Council concerning best practices for conducting a **Certified Burn Manager Program**, initiate rulemaking to establish the program, and provide a progress report to the Legislative Assembly by December 1, 2021. Establishes that it is the **policy of the state to maximize forest resiliency**, including but not limited to the achievement of ecological goals, fuel load reduction, and reduction in wildfire suppression costs, and requires ODF to adopt rules that maximize forest resiliency. Requires ODF to adopt rules to ensure efficient and effective funding of wildfire response by January 1, 2023, to become effective by June 30, 2023. Requires ODF to adopt rules to ensure efficient and effective funding of wildfire response by January 1, 2023, to become effective by June 30, 2023. Requires ODF to adopt rules to ensure **efficient and effective funding of wildfire response** by January 1, 2023, to become effective by June 30, 2023, and specifies matters that must be addressed by the rules. Requires the State Forester in collaboration with others to adopt rules establishing a **baseline level of wildfire protection** for lands outside of forest protection districts that are susceptible to wildfire, and to ensure levels are adapted to reflect regional conditions. Authorizes a **county**, in collaboration with the State Forester and State Fire Marshal, to ensure these lands are provided with wildfire protection services at the baseline level or higher. Authorizes a county, in collaboration with the State Forester and State Fire Marshal, to assist landowners, individuals, and businesses with forming wildfire protection jurisdictions or modifying existing boundaries to ensure adequate protection. Allows counties to also assist jurisdictions in developing wildfire protection facilities, equipment, training, and other resources. Authorizes the State Forester to provide financial assistance to counties for carrying out county duties. Requires ODF to consult and coordinate with federal agencies, private stakeholders, and other state agencies to determine the adequacy of state, federal, and private **wildfire response capacity**. Appropriates General Fund moneys. Declares emergency, effective on passage.

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### **BACKGROUND:**

Oregon Governor Kate Brown created the Governor's Council on Wildfire Response by executive order in January of 2019. The Council was tasked with reviewing Oregon's current model for wildfire prevention, preparedness, and response, and analyzing whether the current model is sustainable given increasing wildfire risks. The Council met regularly for nine months and formed three active subcommittees that focused on mitigation, fire suppression, and adaptation and recovery. The product of the Council's extensive work was a final report that concluded that some or all of the current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. The report proposed 37 recommendations, many of which are included in Senate Bill 248.

Senate Bill 248 would require the Oregon Department of Forestry to study and make recommendations regarding prevention of wildfires to an interim natural resources committee of Legislative Assembly.