

SB 287 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources and Wildfire Recovery

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Meeting Dates: 3/15, 3/17

WHAT THE MEASURE DOES:

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, 2022. 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 December 31, 2023, and to submit a copy of the approved plan to the PUC. Requires COUs to conduct a periodic wildfire risk assessment of utility facilities. Allows **insurers** to adopt coverage provisions and underwriting standards to encourage certain property protection approaches. Allows issuers of property insurance policies to use maps and data developed by state agencies for the purpose of determining terms and conditions of the policies. Allows the Department of Consumer and Business Services to work with the State Fire Marshal and issuers of property insurance policies to develop property protection approaches reflecting best practices for wildfire risk mitigation. Requires that the **Oregon Department of Forestry (ODF)**, in collaboration with others, oversee the development, implementation, and maintenance of a publicly accessible, **comprehensive statewide map of wildfire risk**. Requires the **State Fire Marshal** to establish **minimum defensible space requirements** consistent with the International Wildland-Urban Interface Code standards, by land type. Requires 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 prioritize creating defensible space on land owned by communities of color, indigenous 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 (DLCD) Director, in consultation with counties and cities, to organize a **Land Use and Wildfire Policy Advisory Committee (Committee)**. Requires specified groups to nominate potential Committee members, and requires the DLCD Director and State Forester to jointly appoint committee members from the submitted nominations. Specifies additional nonvoting members including legislators. Requires the Oregon Department of Forestry (ODF) and Oregon State University (OSU), in consultation with DLCD, to analyze the wildfire risk to people, public and private property, businesses, infrastructure, and natural resources, for each region of the state, and to report recommendations for regional wildfire risk reduction to the Committee by October 1, 2021. Requires the analysis be performed in consultation with specified local entities in each region. Requires the departments and Committee to analyze and evaluate that input in developing their recommendations on how to implement the Governor's Council on Wildfire Response land use recommendations, and to report to the Legislative Assembly by February 1, 2022. Specifies report requirements including, but not limited to: regional wildfire risk reduction recommendations; existing state and local maps that identify wildfire risk; new map resources to account for

regional differences if deemed appropriate; identification of resources needed for mapping; recommendations on possible means for using the statewide planning program and local governments; planning goals related to natural hazards; existing state and local programs that minimize wildfire risk; revision recommendations to the statewide land use planning program and local building codes; funding, staffing, and other administrative resources needed; and a description of areas of agreement and disagreement among departments and Committee members.

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 to develop and implement a **fuel reduction treatment program** on forestlands and rangelands. Requires that the program prioritize lands in the four highest importance categories of the Quantitative Wildfire Risk Assessment, lands currently approved for treatment projects under the National Environmental Policy Act, and lands that provide substantial benefit to the state. Requires ODF coordinate with federal land managers to implement treatments on federal forestlands, to work with landowners and nongovernmental entities to identify priority lands for treatment and provide financial assistance for that treatment, and to ensure treatments are implemented in coordination with local collaborative groups, Oregon State University, and affected cities and counties. Requires ODF, in collaboration with DLCD, to **use the comprehensive statewide map of wildfire risk to identify state and local resource needs for mitigating wildfire risk**, to develop recommendations regarding revisions and updates to local zoning codes, to identify revisions to the statewide land use planning system and local building codes to minimize wildfire risks, and to estimate funding, staffing and other administrative resources necessary for state, county, and city governments to implement wildfire risk reduction programs. Establishes the **Task Force on Wildfire Education Coordination (Task Force)** and its membership and protocols. Requires the Task Force to review existing programs for public engagement related to wildfire, and to submit a report of findings and recommendations for improving programs to ensure specified outcomes to a natural resources committee of the Legislative Assembly by September 15, 2022. Allows a small tract forestland owner to submit a **forest health restoration plan** to the State Board of Forestry (BOF) and requires the BOF to reviews that plan. Asserts that BOF approvals require the BOF to certify to the county assessor that the forestland qualifies for a credit in the first property tax year beginning on or after the certification date. Specifies credit maximums. 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, 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

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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**. Declares emergency, effective on passage.

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:

No amendment.

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 287.