

Requested by Representative WITT

**PROPOSED AMENDMENTS TO
HOUSE BILL 2722**

1 On page 1 of the printed bill, line 2, after “wildfires;” delete the rest of
2 the line and insert “creating new provisions; amending ORS 401.025, 477.029,
3 477.031, 477.052, 477.057, 477.059, 477.060, 526.271, 526.274 and 526.275; and
4 declaring an emergency.”.

5 Delete lines 4 through 21 and delete pages 2 through 7 and insert:
6

7 **“TRANSMISSION SYSTEM PLANS**

8
9 **“SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made
10 a part of ORS chapter 757.**

11 **“SECTION 2. The Public Utility Commission shall periodically con-
12 vene workshops for the purpose of helping public utilities, people’s
13 utility districts organized under ORS chapter 261 that sell electricity,
14 electric cooperatives organized under ORS chapter 62 and operators
15 of electrical distribution systems to develop and share information for
16 the identification, adoption and carrying out of best practices regard-
17 ing wildfires, including, but not limited to, risk-based wildfire pro-
18 tection and risk-based wildfire mitigation procedures and standards.**

19 **“SECTION 3. (1) A public utility that provides electricity must have
20 and operate in compliance with a risk-based wildfire protection plan
21 that is approved by the Public Utility Commission and based on rea-**

1 sonable and prudent practices identified through the commission’s
2 rulemaking. The public utility must design the plan in a manner that
3 seeks to protect public safety, reduce risk to utility customers and
4 promote electrical system resilience to wildfire damage.

5 “(2) A public utility that provides electricity shall regularly update
6 a risk-based wildfire protection plan on a schedule determined by the
7 commission. The plan must, at a minimum:

8 “(a) Identify areas that are subject to a heightened risk of wildfire.

9 “(b) Identify a means for mitigating wildfire risk that reflects a
10 reasonable balancing of mitigation costs with the resulting reduction
11 of wildfire risk.

12 “(c) Identify preventive actions and programs that the public utility
13 will carry out to minimize the risk of utilities causing a wildfire.

14 “(d) After seeking information from regional, state and local enti-
15 ties, including municipalities, identify a protocol for deenergizing
16 power lines and adjusting power system operations to mitigate
17 wildfires, promote the safety of the public and first responders and
18 preserve health and communication infrastructure.

19 “(e) Describe the procedures, standards and time frames that the
20 public utility will use to inspect utility infrastructure in areas that the
21 public utility identifies under paragraph (a) of this subsection.

22 “(f) Describe the procedures, standards and time frames that the
23 public utility will use to carry out vegetation management in areas
24 that the public utility identifies under paragraph (a) of this subsection.

25 “(g) Identify the development, implementation and administration
26 costs for the plan.

27 “(h) Identify the community outreach and public awareness efforts
28 that the public utility will use before, during and after a wildfire sea-
29 son.

30 “(3) To develop a plan required by subsection (1) of this section, a

1 public utility may consult with and consider information from re-
2 gional, state and local entities, including municipalities.

3 “(4) The commission, in consultation with the State Forestry De-
4 partment and local emergency services agencies, shall evaluate a
5 risk-based wildfire protection plan that a public utility submits under
6 this section. The commission shall:

7 “(a) Approve the submitted plan; or

8 “(b) Disapprove the submitted plan and inform the public utility of
9 the modifications necessary to obtain approval.

10 “(5) The commission shall adopt rules for the implementation of
11 this section. The rules may include, but need not be limited to, pro-
12 cedures and standards regarding vegetation management, pole mate-
13 rials, circuitry and monitoring systems.

14 “(6) Nothing in this section prohibits the recovery of costs deferred
15 under ORS 757.259.

16 “SECTION 4. (1) As used in this section, ‘consumer-owned utility’
17 and ‘governing body’ have the meanings given those terms in ORS
18 757.600.

19 “(2) A consumer-owned utility must have and operate in compliance
20 with a risk-based wildfire mitigation plan approved by the governing
21 body of the utility. The plan must be designed to protect public safety,
22 reduce risk to utility customers and promote electrical system
23 resilience to wildfire damage.

24 “(3) The consumer-owned utility shall regularly update the risk-
25 based wildfire mitigation plan on a schedule the governing body deems
26 consistent with prudent utility practices.

27 “(4) A consumer-owned utility shall conduct a wildfire risk assess-
28 ment of utility facilities. The utility shall review and revise the as-
29 sessment on a schedule the governing body deems consistent with
30 prudent utility practices.

1 for the purpose of determining terms and conditions of the policies.

2 “(3) The Department of Consumer and Business Services may work
3 with the State Fire Marshal and issuers of property insurance policies
4 to develop property protection approaches reflecting best practices for
5 wildfire risk mitigation.

6
7 “LAND USE PLANNING

8
9 “SECTION 10. (1) The President of the Senate and the Speaker of
10 the House of Representatives shall organize a Land Use and Wildfire
11 Policy Advisory Committee. The committee shall consist of 14 mem-
12 bers appointed as described in subsection (2) of this section.

13 “(2) The President of the Senate and Speaker of the House of Rep-
14 resentatives shall jointly appoint the following to be voting members
15 of the committee:

16 “(a) One member who is a representative of a city government
17 whose city is wholly or partially within a designated forestland-urban
18 interface, as defined in ORS 477.015.

19 “(b) One member who is a representative of a county government.

20 “(c) One member who is a city land use planning director of a city
21 that is wholly or partially within a forestland-urban interface.

22 “(d) One member who is a county land use planning director.

23 “(e) One member who is a representative of a utility company.

24 “(f) One member who is a representative of environmental inter-
25 ests.

26 “(g) One member who is a representative of a rural fire protection
27 district containing land that is wholly or partially within a
28 forestland-urban interface.

29 “(h) One member who is a representative of farming landowners.

30 “(i) One member who is a representative of land and housing de-

1 **velopment firms.**

2 **“(j) One member who is a representative of rural residential prop-**
3 **erty owners.**

4 **“(k) One member who is a representative of state or regional land**
5 **use planning organizations.**

6 **“(L) One member who is a representative of small forestland own-**
7 **ers.**

8 **“(m) One member who is a representative of large forestland own-**
9 **ers.**

10 **“(n) One member who is a representative of federally recognized**
11 **Indian tribes.**

12 **“(3) The President of the Senate and the Speaker of the House of**
13 **Representatives shall make the joint appointments under subsection**
14 **(2) of this section from nominations submitted by entities related to**
15 **the represented interest or entities. The related entity for appoint-**
16 **ments:**

17 **“(a) Under subsection (2)(a) and (c) of this section is the League of**
18 **Oregon Cities.**

19 **“(b) Under subsection (2)(b) and (d) of this section is the Associ-**
20 **ation of Oregon Counties.**

21 **“(c) Under subsection (2)(e) of this section is any one or more of the**
22 **investor-owned utilities and consumer-owned utilities in this state.**

23 **“(d) Under subsection (2)(f) of this section is the Oregon League of**
24 **Conservation Voters.**

25 **“(e) Under subsection (2)(g) of this section is the Special Districts**
26 **Association of Oregon.**

27 **“(f) Under subsection (2)(h) of this section is the Oregon Farm Bu-**
28 **reau.**

29 **“(g) Under subsection (2)(i) of this section is the Oregon Home**
30 **Builders Association.**

1 “(h) Under subsection (2)(j) of this section is the Oregon Property
2 Owners Association.

3 “(i) Under subsection (2)(k) of this section is 1000 Friends of Oregon.

4 “(j) Under subsection (2)(L) of this section is the Oregon Small
5 Woodlands Association.

6 “(k) Under subsection (2)(m) of this section is the Oregon Forest
7 and Industries Council.

8 “(L) Under subsection (2)(n) of this section is one or more of the
9 tribal governing bodies for Indian tribes in this state.

10 “(4) In addition to the voting members described under subsection
11 (2) of this section, the following shall serve as nonvoting members of
12 the committee:

13 “(a) One member appointed by the State Forester.

14 “(b) One member appointed by the State Fire Marshal.

15 “(c) One member appointed by the Director of the Oregon Health
16 Authority.

17 “(d) One member appointed by the Environmental Justice Task
18 Force.

19 “(e) One member appointed by the director of the Institute for Na-
20 tural Resources.

21 “(f) One member appointed by the Director of the Department of
22 Land Conservation and Development.

23 “(g) One member appointed by the Director of the Department of
24 Consumer and Business Services from the Division of Financial Reg-
25 ulation of the Department of Consumer and Business Services.

26 “(h) One member appointed by the Director of the Department of
27 Consumer and Business Services from department staff having exper-
28 tise in building codes.

29 “(5) Members appointed to the committee must have expertise in
30 Oregon’s land use planning system, including with the provisions of

1 ORS chapters 197, 215 and 227, the statewide planning goals of the Land
2 Conservation and Development Commission and local government
3 comprehensive plans and land use regulations.

4 “(6) The members of the committee shall elect a voting member to
5 be chairperson of the committee and a voting member to be vice-
6 chairperson, with all powers appropriate to those offices.

7 “(7) The committee shall meet at times and places determined by
8 the chairperson or by the Director of the Department of Land Con-
9 servation and Development. A majority of the voting members shall
10 be a quorum for the conducting of business. Official actions by the
11 committee require approval by a majority of the voting members.

12 “(8) The Department of Land Conservation and Development shall
13 provide staff services for the committee.

14 “(9) Notwithstanding ORS 171.072, members of the committee who
15 are members of the Legislative Assembly are not entitled to mileage
16 expenses or a per diem and serve as volunteers on the committee.
17 Other members of the committee are not entitled to reimbursement
18 for expenses and serve as volunteers on the committee. However, the
19 Director of the Department of Land Conservation and Development
20 may, in the discretion of the director, reimburse voting members of
21 the committee for unforeseen expenses from moneys available for
22 purposes of carrying out the functions of the committee.

23 **“SECTION 11. (1) The Land Use and Wildfire Policy Advisory Com-**
24 **mittee shall review existing statutes, administrative rules, compre-**
25 **hensive plans and land use regulations to determine whether updates**
26 **to the statewide land use planning program are needed in order to**
27 **minimize wildfire risk to people, public and private property, busi-**
28 **nesses, infrastructure and natural resources.**

29 “(2) On or before December 31, 2022, the committee must provide a
30 report to appropriate committees or interim committees of both the

1 Senate and the House of Representatives. The report must include
2 recommendations concerning the updates.

3 **“SECTION 12. All agencies of state government as defined in ORS**
4 **174.111 are directed to assist the Land Use and Wildfire Policy Advisory**
5 **Committee and the Department of Land Conservation and Develop-**
6 **ment in the performance of committee and department duties under**
7 **sections 10 and 11 of this 2021 Act.**

8

9 **“HEALTH SYSTEMS FOR SMOKE**

10

11 **“SECTION 13. (1) The Environmental Quality Commission shall es-**
12 **tablish a program to:**

13 **“(a) Detect wildfire smoke levels through the use of air quality**
14 **monitoring stations;**

15 **“(b) Evaluate detected wildfire smoke levels to identify public**
16 **health risks for vulnerable populations;**

17 **“(c) Forward wildfire smoke public health risk information to local**
18 **public health authorities in affected areas; and**

19 **“(d) Make wildfire smoke public health risk information available**
20 **in a timely manner to the public by electronic means.**

21 **“(2) The wildfire smoke level monitoring required under this section**
22 **is in addition to, and not in lieu of, any monitoring requirements ap-**
23 **licable to a person in control of an air contamination source under**
24 **a program and rules adopted under ORS 468A.337.**

25 **“(3) The commission shall evaluate public health risks under the**
26 **program using one of the modelings for health risk evaluation allowed**
27 **under ORS 468A.337. The commission shall determine the public health**
28 **risk from wildfire smoke based on the combination of wildfire smoke**
29 **with any other factors affecting air quality in an area, including, but**
30 **not limited to, air contamination from other sources.**

1 “(4) The commission shall, to the extent practicable, design the
2 monitoring system to provide timely wildfire smoke information for
3 all areas of this state. However, the commission may give priority to
4 the evaluation of wildfire smoke monitoring information in areas
5 where wildfire smoke levels are elevated or changing and in areas with
6 concentrations of vulnerable populations.

7 “SECTION 14. (1) The Environmental Quality Commission may en-
8 ter into agreements with the Oregon Health Authority or other state,
9 federal or local health agencies to provide information and education
10 to the public regarding:

11 “(a) Wildfire smoke public health risks;

12 “(b) The availability of timely information concerning wildfire
13 smoke levels and resulting public health risks; and

14 “(c) The availability and location of clean air shelters described in
15 section 15 of this 2021 Act.

16 “(2) This section does not limit the collection, evaluation or dis-
17 semination of other air quality monitoring station information in ad-
18 dition to wildfire smoke level information.

19 “SECTION 15. (1) The Oregon Health Authority shall cooperate with
20 local governments to establish clean air shelters within local commu-
21 nities. If a shelter does not have an air filtration system capable of
22 reducing wildfire smoke components to levels that do not present a
23 public health hazard to vulnerable populations, the authority shall
24 provide and install such a filtration system for the shelter.

25 “(2) Locations equipped as clean air shelters must be available to
26 the public without charge during periods when wildfire smoke levels
27 present a public health risk. This subsection does not prohibit the
28 authority from requiring that locations equipped as clean air shelters
29 also be available to the public without charge when a public health
30 risk results from air quality issues not associated with wildfire smoke.

1 **“SECTION 16. (1) As used in this section, ‘smoke filtration system’**
2 **means an air filtration system capable of removing particulates and**
3 **other harmful components of wildfire smoke.**

4 **“(2) The Oregon Health Authority shall establish a program to in-**
5 **crease the availability of smoke filtration systems among persons**
6 **vulnerable to the health effects of wildfire smoke who reside in areas**
7 **susceptible to wildfire smoke. The authority may issue grants for the**
8 **installation of smoke filtration systems in residential buildings, com-**
9 **mercial buildings or buildings open to the public in areas susceptible**
10 **to wildfire smoke. The authority shall give grant priority to installa-**
11 **tions in residential buildings occupied by persons of lower income, as**
12 **defined in ORS 456.055, who are vulnerable to the health effects of**
13 **wildfire smoke.**

14 **“(3) The authority may adopt rules establishing standards for**
15 **smoke filtration systems obtained with grant moneys received under**
16 **this section, including, but not limited to, minimum acceptable effi-**
17 **ciency for the removal of particulates and other harmful substances**
18 **generated by wildfires.**

19
20 **“EMERGENCY RESPONSE AND DISASTER RECOVERY**

21
22 **“SECTION 17. ORS 401.025 is amended to read:**

23 **“401.025. As used in this chapter:**

24 **“(1) ‘Emergency’ means a human created or natural event or circumstance**
25 **that causes or threatens widespread loss of life, injury to person or property,**
26 **human suffering or financial loss, including but not limited to:**

27 **“(a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud**
28 **slides, drought, earthquake, volcanic activity, tsunamis or other oceanic**
29 **phenomena, spills or releases of oil or hazardous material as defined in ORS**
30 **466.605, contamination, utility or transportation emergencies, disease, blight,**

1 infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and
2 “(b) A rapid influx of individuals from outside this state, a rapid mi-
3 gration of individuals from one part of this state to another or a rapid dis-
4 placement of individuals if the influx, migration or displacement results from
5 the type of event or circumstance described in paragraph (a) of this sub-
6 section.

7 “(2) ‘Emergency service agency’ means an organization within a local
8 government that performs essential services for the public’s benefit before,
9 during or after an emergency, such as law enforcement, fire control, health,
10 medical and sanitation services, public works and engineering, public infor-
11 mation and communications.

12 “(3) ‘Emergency services’ means activities engaged in by state and local
13 government agencies to prepare for an emergency and to prevent, minimize,
14 respond to or recover from an emergency, including but not limited to coor-
15 dination, preparedness planning, training, interagency liaison, fire fighting,
16 oil or hazardous material spill or release cleanup as defined in ORS 466.605,
17 law enforcement, medical, health and sanitation services, engineering and
18 public works, search and rescue activities, warning and public information,
19 damage assessment, administration and fiscal management, and those meas-
20 ures defined as ‘civil defense’ in 50 U.S.C. app. 2252.

21 “(4) ‘Local government’ has the meaning given that term in ORS 174.116.

22 “(5) ‘Major disaster’ means any event defined as a ‘major disaster’ under
23 42 U.S.C. 5122(2).

24 **“SECTION 18. (1) The Office of Emergency Management shall up-
25 date its statewide emergency plan as necessary to prepare for or re-
26 spond to wildfire emergencies on an area-wide or statewide basis. The
27 plan developed by the office to prepare for or respond to wildfire
28 emergencies shall include, but need not be limited to, wildfire risk
29 mitigation efforts and evacuation planning.**

30 **“(2) The office shall coordinate with cities and counties, and with**

1 **adult foster homes, health care facilities and residential facilities, to**
2 **establish local or private procedures to prepare for emergencies related**
3 **to wildfire and ensure that local efforts to prevent, respond to or re-**
4 **cover from an emergency caused by wildfire are conducted in a man-**
5 **ner consistent with the plan developed by the office to prepare for or**
6 **respond to wildfire emergencies. The coordinated activities may in-**
7 **clude, but need not be limited to, providing training, carrying out ex-**
8 **ercises and promoting community education.**

9
10 **“DEFENSIBLE SPACE**

11
12 **“SECTION 19.** ORS 477.029 is amended to read:

13 “477.029. (1) Pursuant to a request by the State Forester, the governing
14 body of a county containing forestland-urban interface [*may*] **must** establish
15 a county forestland-urban interface classification committee of [*five*] **seven**
16 persons, of whom one shall be appointed by the State Forester, one by the
17 State Fire Marshal and [*three*] **five** by the governing body, **of whom one**
18 **must represent the interests of a county, one must represent the in-**
19 **terests of a municipality and three must represent interests of the**
20 **public.** Of the members appointed by the governing body **to represent in-**
21 **terests of the public,** [*one*] **two** must be [*an owner*] **owners** of land within
22 the forestland-urban interface who permanently [*resides*] **reside** on the land.
23 Each appointing authority shall file with the State Forester the name of its
24 appointee or appointees, and the persons so named shall constitute the com-
25 mittee for the county. Unless otherwise provided for by the appointing au-
26 thority, members of the committee shall serve a term of four years and may
27 be reappointed to any number of terms. Each member of the committee at
28 all times is subject to replacement by the appointing authority, effective
29 upon the filing with the State Forester by that authority of written notice
30 of the name of the new appointee.

1 “(2) The committee shall elect from among its members a chair and a
2 secretary and may elect other officers as it finds advisable. The committee
3 shall adopt rules governing its organization and proceedings and the per-
4 formance of its duties, and shall keep written minutes of all its meetings. A
5 quorum of the county forestland-urban interface classification committee for
6 official actions is three members, and a quorum of a committee established
7 pursuant to subsection (4)(a) of this section is four members.

8 “(3) The governing body of the county may provide for the committee and
9 its employees such accommodations and supplies and such county funds not
10 otherwise appropriated as the governing body finds necessary for the proper
11 performance of the committee’s functions. The members of the committee
12 shall receive no compensation for their services, but the governing body may
13 reimburse them for their actual and necessary travel and other expenses in-
14 curred in the performance of their duties. By written agreement between the
15 State Forester and the governing body, the State Forestry Department may
16 provide the functions or be responsible for part or all of the expenses re-
17 ferred to in this subsection.

18 “(4) In the interest of efficiency, by written agreement between the State
19 Forester and the governing body, if a forestland classification committee is
20 established and active within a county pursuant to ORS 526.305 to 526.340,
21 the members of that committee may also serve on the county forestland-
22 urban interface classification committee established by subsection (1) of this
23 section. In the event that this agreement is made, the State Forester and the
24 governing body shall ensure that either:

25 “(a) A State Fire Marshal appointee and an owner of land within the
26 forestland-urban interface who permanently resides on the land are added to
27 the county forestland classification committee to bring the total number of
28 committee members to seven; or

29 “(b) The State Fire Marshal approves of the current membership of the
30 county forestland classification committee and the committee includes an

1 owner of land within the forestland-urban interface who permanently resides
2 on the land.

3 **“SECTION 20.** ORS 477.031 is amended to read:

4 “477.031. (1) A county forestland-urban interface classification committee
5 established under ORS 477.029 shall periodically identify all land to be des-
6 ignated as forestland-urban interface within the county based on the criteria
7 developed pursuant to ORS 477.027.

8 “(2) The committee shall assign all forestland-urban interface forestland
9 identified under subsection (1) of this section to one of the forestland-urban
10 interface classes developed pursuant to ORS 477.027.

11 “(3) Before making final designations and classifications under this sec-
12 tion, the committee shall adopt proposed designations and classifications.
13 The committee shall publish notice of the proposed designations and classi-
14 fications **on the county website and** once a week for two consecutive weeks
15 in a newspaper of general circulation in the county, [*to be posted*] **post no-**
16 **tice** in three public places within the county, and [*to be mailed*] **mail notice**
17 to the owners of land that is affected by the proposed designations and
18 classifications. The notice shall state the time and place for hearing or re-
19 ceiving objections, remonstrances or suggestions as to the proposed desig-
20 nations and classifications and the place where maps of the proposed
21 designations and classifications may be inspected.

22 “(4) **The committee shall establish minimum defensible space stan-**
23 **dards for minimizing or mitigating wildfire risk within extreme hazard**
24 **zones. The standards must address:**

25 “(a) **Fire hazards or risks on land within a forestland-urban inter-**
26 **face due to the presence of structures or the arrangement or accu-**
27 **mulation of natural vegetative fuels other than vegetation cultivated**
28 **as part of a farm use, as defined in ORS 215.203, or as forest products,**
29 **as defined in ORS 321.005, or vegetation planted for landscape preser-**
30 **vation, development and enhancement, as defined in ORS 671.310; and**

1 **“(b) The following fire hazards or risks or combinations of fire**
2 **hazards or risks:**

3 **“(A) Firewood; and**

4 **“(B) Stored flammable building material or other similar flammable**
5 **material external to a building.**

6 **“(c) Voluntary activities that landowners in low, moderate and high**
7 **hazard zones may undertake to reduce wildfire risk.**

8 **“(5) The committee may establish minimum defensible space stan-**
9 **dards within high hazard zones. The standards may address the fire**
10 **hazards and risks described in subsection (4) of this section.**

11 **“(6) The committee shall produce maps of final standards, desig-**
12 **inations and classifications established under this section.**

13 **“SECTION 21. ORS 477.052 is amended to read:**

14 **“477.052. (1) The county forestland-urban interface classification commit-**
15 **tee shall hold a public hearing at the time and place stated in the notice**
16 **published under ORS 477.031 (3), or at such other time and place to which**
17 **the hearing may be adjourned, to receive from any interested persons ob-**
18 **jections, remonstrances or suggestions relating to the proposed**
19 **designations, [and] classifications and defensible space standards. Fol-**
20 **lowing the hearing the committee may make such changes in the proposed**
21 **designations and classifications as it finds to be proper, hold additional**
22 **hearings as it finds necessary, and thereafter shall make final designations**
23 **and classifications.**

24 **“(2) All final action by the committee in designating and classifying**
25 **forestland-urban interface shall be by formal written order, which must in-**
26 **clude a statement of findings of fact on the basis of which the order is made,**
27 **and must include a list of all land designated and classified. The committee**
28 **shall prepare one or more maps showing the final designations and classi-**
29 **fications made. The original of the order shall be filed with the county clerk**
30 **of the county. The order need not meet the requirements of ORS 205.232 to**

1 be filed and recorded. A copy of the order certified by the secretary of the
2 committee shall be sent to the State Forester.

3 “(3) Copies of the order, lists of land and maps required by this section
4 shall be:

5 “(a) Maintained in designated offices of the forester where they shall be
6 made available for public inspection.

7 “(b) **Sent to Oregon State University for inclusion in the statewide**
8 **wildfire risk map.**

9 “**SECTION 22.** ORS 477.057 is amended to read:

10 “477.057. (1) The State Forester may designate and classify forestland-
11 urban interface, **and create defensible space standards for a county,**
12 consistent with and as described in ORS 477.031 to 477.054, if a designation,
13 [*and*] classification [*of forestland-urban interface*] **or establishment of**
14 **standards** is not made by the county forestland-urban interface classifica-
15 tion committee within a county in which such land is situated because:

16 “(a) The governing body of the county fails to establish a county
17 forestland-urban interface committee within [*two years*] **one year** after the
18 State Forester makes a request under ORS 477.029 (1);

19 “(b) The committee fails to make a designation and classification within
20 [*five years*] **one year** after being appointed, or the committee fails to make
21 a designation, [*and*] classification **or establishment of standards** within
22 [*five years*] **one year** of the last designation, [*and*] classification **or estab-**
23 **lishment of standards** made by the committee; or

24 “(c) The committee fails to make a designation, [*and*] classification **or**
25 **establishment of standards** in a manner consistent with ORS 477.031 to
26 477.054.

27 “(2) Designation, [*and*] classification **or establishment of standards** by
28 the State Forester has the same force and effect as though made by a com-
29 mittee for that county. However, designations and classifications made by
30 the State Forester cease to be effective if replaced by designations and clas-

1 sifications made pursuant to ORS 477.052 by the appropriate committee.

2 **“SECTION 23.** ORS 477.059 is amended to read:

3 **“477.059. (1)(a) Using data in the 2021 Oregon Explorer Map,** the State
4 Board of Forestry shall by rule establish minimum **defensible space** stan-
5 dards **in extreme risk zones** for minimizing or mitigating:

6 **“(A) Fire hazards or risks on land within a forestland-urban interface due**
7 **to the presence of structures or the arrangement or accumulation of natural**
8 **vegetative fuels other than vegetation cultivated as part of a farm use,**
9 **as defined in ORS 215.203, or as forest products, as defined in ORS**
10 **321.005, or vegetation planted for landscape preservation, development**
11 **and enhancement, as defined in ORS 671.310; and**

12 **“(B) Other fire hazards or risks or combinations of fire hazards or risks.**

13 **“(b) In adopting rules under this subsection, the board shall take into**
14 **account the variability of the forestland-urban interface in different parts**
15 **of the state.**

16 **“(c) An owner of land within a forestland-urban interface must comply**
17 **with the minimum standards applicable to the land.**

18 **“(d) Rules adopted under this subsection must be consistent with:**

19 **“(A) Building code standards established by the Department of**
20 **Consumer and Business Services that apply to structures within the**
21 **forestland-urban interface; and**

22 **“(B) Any comprehensive plan and land use regulations of the local**
23 **government that has jurisdiction over property within the forestland-**
24 **urban interface.**

25 **“(2)(a) Except as provided in paragraph (b) of this subsection, but no more**
26 **frequently than once every five years, the State Forester shall provide writ-**
27 **ten notice of the applicable minimum standards established under this sec-**
28 **tion to each owner of land within a forestland-urban interface, unless the**
29 **owner requests a copy more frequently.**

30 **“(b) The board need not give notice under paragraph (a) of this subsection**

1 to an owner of land if the owner is a member of a homeowners association
2 by reason of owning the land and the State Forester has entered into a co-
3 operative agreement with the homeowners association pursuant to ORS
4 477.023 (2)(e) that provides for notice to owners through the association.

5 “(3) An owner of land within a forestland-urban interface must certify in
6 writing to the State Forester that the owner has complied with the applica-
7 ble minimum standards established under this section not later than two
8 years after the order designating the land as being within the forestland-
9 urban interface is filed with the county clerk under ORS 477.052 (2). If a
10 subsequent order is filed that changes the classification of the land, the
11 owner of the land must make a supplemental certification in writing to the
12 State Forester that reflects the measures that the owner has taken to comply
13 with the applicable minimum standards established under this section for the
14 new classification not later than six months after the new order is filed.

15 “(4) The State Forester shall accept certifications made to the forester
16 under subsection (3) of this section. Any owner of land whose written certi-
17 fication has been accepted by the State Forester under this subsection is not
18 liable for the costs of suppressing a fire under subsection (6) of this section,
19 unless the State Forester subsequently determines that the owner of land has
20 provided a false certification.

21 “(5) The State Board of Forestry may require periodic renewal of a cer-
22 tification accepted by the State Forester under subsection (4) of this section,
23 and may require supplemental certifications from the owner of land that re-
24 flect the measures that the owner has taken to comply with the applicable
25 minimum standards established under this section. An owner of land is re-
26 sponsible for maintaining the land described by the certification in compli-
27 ance with the applicable minimum standards established under this section.

28 “(6) The owner of land designated to be within a forestland-urban inter-
29 face is liable to the State Forester for the costs of suppressing a fire that
30 occurs on that land, as described in subsection (7) of this section, if:

1 “(a) The owner has **willfully or recklessly** failed to meet the applicable
2 minimum standards established under this section;

3 “(b) The fire originates on the owner’s land;

4 “(c) The ignition or spread of the fire is directly related to the owner’s
5 failure to meet the applicable minimum standards established under this
6 section; and

7 “(d) The fire requires action by the forester pursuant to ORS 477.066 (2).

8 “(7) The liability of an owner of land under subsection (6) of this section
9 may not exceed [~~\$100,000~~] **\$10,000**. The State Forester may not seek recovery
10 under subsection (6) of this section for any portion of the costs of suppress-
11 ing a fire that are the ordinary costs of the regular personnel and equipment
12 of the forest protection district in which the land is located. This subsection
13 does not limit the liability of the owner under ORS 477.120.

14 **“SECTION 24.** ORS 477.060 is amended to read:

15 “477.060. (1) In determining the annual cost of protection pursuant to ORS
16 477.230, **in consultation with the State Fire Marshal** the forester may
17 consider and include the special or additional cost of fire protection for
18 property owners within a forestland-urban interface classification, including
19 the special or unique costs of assessment processing and administration.

20 “(2) The forester shall identify special or additional costs identified by
21 subsection (1) of this section in the budget required by ORS 477.230 to
22 477.300. These special or additional costs:

23 **“(a)** Are in addition to the annual cost of ORS 477.230 (1) and may not
24 exceed \$25 annually for each real property lot. [*Only those owners of land*
25 *within a forestland-urban interface classification in a forest protection district*
26 *shall bear the special or additional cost of fire protection within the*
27 *forestland-urban interface in a manner consistent with rules promulgated by*
28 *the State Board of Forestry.*]

29 **“(b) Must be adopted by rule and ratified by the Legislative As-**
30 **sembly.**

1 **“STATEWIDE MAP OF WILDFIRE RISK**

2
3 **“SECTION 27. (1) Oregon State University, in consultation with the**
4 **State Board of Forestry and the State Fire Marshal, shall develop and**
5 **maintain a comprehensive statewide map of wildfire risk.**

6 **“(2) The map must:**

7 **“(a) Be based on classes described in ORS 477.027 and designations,**
8 **classifications and standards described in ORS 477.031.**

9 **“(b) Be sufficiently detailed to allow the assessment of wildfire risk**
10 **at the level of property ownership.**

11 **“(c) Include the boundaries of the forestland-urban interface, as**
12 **defined in ORS 477.015.**

13 **“(3) In maintaining the map, the university shall make technical**
14 **and other adjustments as needed over time and ensure that the map**
15 **is accessible to the public in an electronic form.**

16 **“(4) The university shall provide technical assistance to represen-**
17 **tatives of state and local government that use the map.**

18 **“SECTION 28. (1) On or before December 31, 2021, Oregon State**
19 **University shall report to an interim committee of the Legislative**
20 **Assembly related to wildfire, in the manner provided in ORS 192.245,**
21 **on the university’s progress in complying with the requirements of**
22 **section 27 of this 2021 Act.**

23 **“(2) On or before June 30, 2023, the university must finish all**
24 **actions required of the university by section 27 of this 2021 Act.**

25
26 **“RESTORATION PRIORITIZATION**

27
28 **“SECTION 29. The State Forestry Department shall carry out a**
29 **program of fuel reduction treatments on forestlands and rangelands,**
30 **giving priority to treating forestlands and rangelands that are in the**

1 four highest relative importance categories identified in the United
2 States Forest Service report titled ‘Pacific Northwest Quantitative
3 Wildfire Risk Assessment: Methods and Results’ and dated April 9,
4 2018, or on which treatment would provide a substantial benefit to this
5 state.

6
7 **“RESTORATION CAPACITY**

8
9 **“SECTION 30. (1) The State Forestry Department shall carry out a**
10 **program that uses a map of wildfire risk to:**

11 **“(a) Identify state and local resource needs for mitigating wildfire**
12 **risk.**

13 **“(b) Estimate funding, staffing and other administrative resources**
14 **necessary for state, county and city governments to implement**
15 **wildfire risk reduction programs, including, but not limited to, the**
16 **costs of program development, implementation and ongoing operations**
17 **and the amounts needed for stable long-term funding for the pro-**
18 **grams.**

19 **“(2) In coordination with other state entities, as defined in ORS**
20 **174.112, the department shall identify policy barriers to increasing im-**
21 **plementation of fuel reduction treatment projects on private lands.**

22 **“(3) The department shall develop consistent performance measures**
23 **and condition-based metrics for monitoring and communicating the**
24 **effectiveness of state investments and project actions in mitigating the**
25 **risk of wildfire.**

26 **“(4) The program described in subsection (1) of this section must**
27 **provide opportunities for the department to identify workforce devel-**
28 **opment needs and develop funding proposals for those needs, includ-**
29 **ing, but not limited to, program funding proposals to ensure adequate**
30 **contracting capacity for undertaking increased implementation of the**

1 **program.**

2
3 **“FEDERAL PARTNERSHIP**

4
5 **“SECTION 31. (1) The State Forestry Department shall cooperate**
6 **with federal agencies to increase the effectiveness of activities under-**
7 **taken pursuant to ORS 526.271, 526.274 and 526.275.**

8 **“SECTION 32.** ORS 526.271 is amended to read:

9 “526.271. The Legislative Assembly finds and declares that:

10 “(1) The State Forestry Department is well-positioned, due to experience
11 in managing Oregon forests and its understanding of science-based, active
12 forest management, to facilitate state government participation in forest
13 management on federal lands located within the state.

14 “(2) The State Department of Fish and Wildlife has expertise with fish
15 and wildlife habitat and the Department of Environmental Quality has ex-
16 pertise with water quality. Both departments have an important role to play
17 in the management of federal forests located within the state.

18 “(3) A collaborative relationship between the State Forestry Department,
19 the federal government, other agencies of the executive department, as de-
20 fined in ORS 174.112, interested persons and nongovernmental organizations
21 may restore the health, diversity and resilience of federal forests by in-
22 creasing the information shared and by providing a variety of perspectives
23 on site-specific and landscape-level determinations.

24 “(4) In cooperation with the State Forestry Department, **the Governor’s**
25 **Council on Wildfire Response** and the federal government, [*many commu-*
26 *nities in wildfire-prone areas have completed a community wildfire protection*
27 *plan that identifies priority areas for hazardous fuel removal from federal*
28 *lands.*] **wildfire mitigation recommendations and priorities were devel-**
29 **oped and presented in the ‘December Final Mitigation Committee Re-**
30 **port’ dated December 11, 2019, which used the relative importance**

1 **categories identified in the United State Forest Service Report titled**
2 **‘Pacific Northwest Quantitative Wildfire Risk Assessment: Methods**
3 **and Results’ and dated April 9, 2018.**

4 “(5) The federal government has provided opportunities for agencies of the
5 executive department, as defined in ORS 174.112, to become involved, to a
6 greater extent, in the management of federal lands.

7 **“SECTION 33.** ORS 526.274 is amended to read:

8 “526.274. In furtherance of the policy established in ORS 526.271, the State
9 Board of Forestry, in consultation with the Governor, may:

10 “(1) In conformance with federal law, including Public Law 108-7, direct
11 the State Forester to facilitate the development of stewardship contracts
12 utilizing private contractors and, when appropriate, to seek and enter into
13 a stewardship contract agreement with federal agencies to carry out forest
14 **or rangeland** management activities on federal lands. The State Forester
15 may, under the stewardship contract agreements:

16 “(a) Perform road and trail maintenance;

17 “(b) Set prescribed fires to improve forest health, composition, structure
18 and condition;

19 “(c) Manage vegetation;

20 “(d) Perform watershed restoration and maintenance;

21 “(e) Restore wildlife habitat;

22 “(f) Control exotic weeds and species; [*and*]

23 “(g) Perform other activities related to stewardship[.]; **and**

24 **“(h) Perform other activities related to fuel load reduction or**
25 **wildfire risk reduction.**

26 “(2) Create a forum for interagency cooperation and collaborative public
27 involvement regarding federal forest management **and rangeland wildfire**
28 issues that may include, at the discretion of the board, the appointment of
29 advisory committees, the use of existing advisory committees **or partnership**
30 **opportunities** and procedures for holding public hearings.

1 “(3) Provide guidelines for the State Forestry Department and State
2 Forester to follow that contain directions regarding the management of fed-
3 eral lands and that specify the goals and objectives of the board regarding
4 the management of federal lands.

5 “(4) Participate, to the extent allowed by federal law, in the development
6 of federal forest policies and the forest management planning processes of
7 federal agencies.

8 “(5) Provide guidelines for the department to follow in implementing this
9 section.

10 “(6) Coordinate with Oregon State University, the State Department of
11 Fish and Wildlife, the Oregon Forest Resources Institute, the Department
12 of Environmental Quality, the Oregon Business Development Department,
13 the State Department of Energy, **the State Department of Agriculture,**
14 **the Oregon Watershed Enhancement Board** and other agencies of the
15 executive department, as defined in ORS 174.112, to assist the State Forestry
16 Department in carrying out the provisions of this section.

17 “(7) **Identify the appropriate state agency to assist the State**
18 **Forestry Department in carrying out and overseeing federal rangeland**
19 **treatments.**

20 “(8) **Request that the State Forester specify treatment metrics ap-**
21 **propriate for achieving program goals regarding federal forest man-**
22 **agement.**

23 “(9) **Direct the State Forestry Department to ensure that work on**
24 **federal lands:**

25 “(a) **Is designed to evaluate and prioritize treatments on federal**
26 **forestlands and rangelands in this state without regard to federal**
27 **ownership.**

28 “(b) **Maximizes the use of federal and state resources to improve**
29 **coordination and expedite implementation of federal forestland and**
30 **rangeland treatments.**

1 **“(c) Identifies in budget requests the capacity needed within state**
2 **government in order to meet the treatment goals.**

3 **“SECTION 34.** ORS 526.275 is amended to read:

4 “526.275. (1) As used in this section:

5 “(a) ‘Additive’ means an increase in the pace, scale and quality of forest,
6 rangeland and water restoration services on federal lands within Oregon,
7 including but not limited to services to produce timber harvest volumes that
8 exceed outputs that would be produced by federal land management agencies
9 alone.

10 “(b) ‘Federal land management agencies’ means the United States Forest
11 Service and the Bureau of Land Management.

12 “(c) ‘Forest, rangeland and water restoration services’ means activities
13 that:

14 “(A) Treat insect-infested or disease-infected trees;

15 “(B) Reduce hazardous fuels; or

16 “(C) Restore or improve forest, rangeland or watershed health, including
17 but not limited to fish or wildlife habitat health.

18 “(d) ‘Good Neighbor Authority Agreement’ means the Good Neighbor
19 Authority Agreement that the Governor, the State Forester and the State
20 Fish and Wildlife Director entered into with the United States Forest Ser-
21 vice on March 29, 2016.

22 “(2) It is the policy of the state to pursue projects under the Good
23 Neighbor Authority Agreement that increase timber harvest volume, con-
24 tribute to job creation, reduce wildfire risks to all lands, improve wildlife
25 habitat and watershed health and stimulate local economies. To the extent
26 allowed by the agreement, state agencies that are signatories to the agree-
27 ment shall work with federal land management agencies to give priority to
28 projects that:

29 “(a) Consist of additive activities;

30 “(b) Maximize economic benefit to this state; [*and*]

1 “(c) Recover the state agency costs of implementing the projects[.];

2 “(d) Reduce fuel loads; and

3 “(e) Reduce wildfire suppression costs.

4
5 **“NONFEDERAL LANDS**

6
7 **“SECTION 35. (1) The State Forestry Department shall design and**
8 **implement a program to reduce wildfire danger on nonfederal or pri-**
9 **ivate forestlands and rangelands through the restoration of landscape**
10 **resiliency and the reduction of hazardous fuel levels.**

11 **“(2) The department shall select projects consistent with the objec-**
12 **tives described in this section.**

13 **“(3) In carrying out the provisions of this section, the department**
14 **shall, to the extent practicable, consult and cooperative with relevant**
15 **state and federal agencies, counties, cities and other units of local**
16 **government, private forestland and rangeland owners, forestland and**
17 **rangeland collaboratives and other relevant community organizations.**

18 **“(4) When developing project selection criteria, to the extent prac-**
19 **ticable, the department shall consult and cooperate with the Oregon**
20 **State University Extension Service, state and federal agencies, coun-**
21 **ties, cities and other units of local government, private forestland and**
22 **rangeland owners, forestland and rangeland collaboratives and other**
23 **relevant community organizations.**

24 **“(5) In selecting projects, the department shall give priority to**
25 **landscapes identified in a statewide map of wildfire risk that:**

26 **“(a) Leverage the collective power of public-private partnerships,**
27 **federal funding and state funding.**

28 **“(b) Optimize the receipt of investments by the federal government**
29 **that equal or exceed investments by the department.**

30 **“(c) Involve existing forest-based and range-based contracting enti-**

1 ties.

2 “(d) Complement programs and projects of the department, federal
3 partners, the Oregon Watershed Enhancement Board and state agen-
4 cies as applicable.

5
6 “SMALL TRACT FORESTLAND INCENTIVE

7
8 “SECTION 36. (1) As used in this section:

9 “(a) ‘Forest health’ means a reduction in the fuel load of forestland
10 that achieves ecological goals, reduces fuel loads and reduces potential
11 wildfire suppression costs.

12 “(b) ‘Small tract forestland’ has the meaning given that term in
13 ORS 321.700.

14 “(2) A small tract forestland owner may submit to the State Board
15 of Forestry a plan for the owner to restore the forest health on the
16 forestland. The board shall review a plan submitted under this sub-
17 section to determine whether and to what extent the plan may rea-
18 sonably be expected to improve forest health on the forestland. If the
19 board approves the plan, upon the forestland owner presenting evi-
20 dence satisfactory to the board that the plan has been timely com-
21 pleted, the board shall certify to the county assessor that the
22 forestland qualifies for a credit against the specially assessed valuation
23 of the forestland under ORS 321.722. The assessor shall apply the
24 credit certified by the board to the specially assessed value of the
25 forestland in the first property tax year beginning on or after the date
26 of the certification. The credit may not exceed:

27 “(a) ___ percent of the specially assessed value per acre determined
28 under ORS 321.354, if located in western Oregon; or

29 “(b) ___ percent of the specially assessed value per acre determined
30 under ORS 321.833, if located in eastern Oregon.

