



March 18, 2021

Oregon State Legislature
Senate Committee on Natural Resources and Wildfire Recovery
900 Court St. N.E.
Salem, OR 97301

Dear Chairman Golden and Committee Members:

Thank you for your efforts on SB 287 and SB 248, as well as for working to integrate these bills into one vehicle and holding open continued opportunities for shaping bill language and outcomes. As a follow-up to the SageCon Partnership letter shared with this committee (dated, Feb. 8, 2021, submitted to this committee on February 10, re-submitted March 12) as well as recent public hearing testimony, I write to share the following on behalf of SageCon partners. Please note that individual organizations and individuals within the SageCon Partnership may have their own additional views on the current wildfire bills, which they may express separately, and that the information below is an attempt to represent where common ground exists across diverse partner interests related to the current status of SB 248 and SB 287-1.

In listening to public testimony to date, it appears that the main tensions around the current bill drafts relate to areas (i.e., bills sections on land use, defensible space, health systems / air quality programs) that are apart and aside from areas where the various SageCon Partners who signed onto the Feb. 8 letter have common agreement. Specifically, SageCon Partners from the county, ranching, conservation NGO, landowner, and community level want the legislature to pass meaningful wildfire legislation this session, and applaud this Committee's efforts to do that as well as the Governor's efforts in prioritizing this issue. As the legislature works out the tension points, it should be sure not to lose sight of the rangeland wildfire problem and related issues as well as opportunities. The SageCon Partnership brings together interests who don't regularly "get along" but who have managed to find common ground on addressing sagebrush rangeland wildfire-related needs. Better incorporating this common ground into the bill revision process will help the overall likelihood of legislation having support across a broader spectrum of Oregonians. More people will be able to see themselves and their interests in any final product.

To that end, while it is appreciated that both bills reference the term "rangeland" in various relevant and important sections, the use of the term does not and should not imply that the bills have adequately addressed rangeland wildfire concerns. The strategies and approaches the bills would take to wildfire seem still to be highly focused on fire in the forest context. After last summer's wildfire season, it is understandable why policy makers would be focused on fire in the forests. Indeed, across the West, wildfire conversations are often forest heavy. After all Smokey Bear didn't live in the high

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desert. That said, this dominance of the forest context in the West's wildfire conversation is why sagebrush rangeland partners of various diverse interests often urge policy makers not to forget about the rangelands. For that matter, far more sagebrush rangeland acreage burns on an annual basis than forest lands. And like the forest context, the problems facing rangelands related to fuel accumulation, wildlife habitat loss, climate change, economic and community impacts are very real.

As the attached map images depict, when policy makers hear about big fires / huge numbers of acres burned on an annual basis or any time scale, it is important to understand that it is the rangelands and rangeland health problems (not just the forest lands and forest health) that are driving the reality. Sagebrush rangeland wildfires contribute greatly to burned acreage reporting numbers (*see* fire perimeter map). And a primary reason for this is the shift in vegetation conditions away from resilient native sagebrush perennial bunchgrass communities towards highly flammable and explosive non-native invasive annual grass monocultures from the 1980's to present day (*see* eco-state / veg. condition map).

The problems facing Oregon's sagebrush rangelands, wildlife, and rural communities are very real. And, of the 3-pronged approach taken by wildfire legislation (resilient landscapes, safe & effective fire response, and fire adapted communities), it is the resilience provisions of wildfire legislation that are directly relevant to helping address this situation.

Bill-specific provisions and suggested feedback—SageCon partners provide the following input and seek bill revision attention in the following areas:

Maps and Mapping Effort: Both bills speak to a statewide risk mapping effort, and how such map products are used in the regulatory or program development context are still a matter of some confusion and concern across partners.

- Concerns exist around sinking a lot of time and \$\$ into a re-mapping effort. The existing QWRA map is likely adequate for near-term work. The future effort should be focused on how that map is updated or revised. The Mitigation Committee of the Governor's Wildfire Council advanced recommendations in 2020 that endorsed using this map in the near-term, and then as part of regularly updating the map, being sure to engage broader partners (including counties, landowners, and others).
- SB 287 Sec. 8 and SB 248 Sec. 7 make it seem like the state's comprehensive map will be distinct and different from the existing QWRA map. This should be corrected and clarified to keep the future effort linked to refinement of the existing QWRA map.
- Further, SB 248 Sec. 7(2) should be clarified to ensure the future map revision effort tracks and is consistent with existing vegetation cover mapping (including invasive annual grasses) specific to the context of rangelands. There have been major improvements in the data quality and downscaling of rangeland vegetation condition mapping that have significant relevance to wildfire risk and rangeland resilience work as well as wildfire response planning (by RFPAs and federal agencies) that should be integrated in any future QWRA map revision or other map process.

Wildfire Education Coordination: SB 287 Sec. 21—highlights the need for better wildfire education and coordination.

- This is a positive. Don't lose this section in any future integration of SB 248 and 287. Many members of the public do not understand wildfire or wildfire issues. Further, while wildfire is the common theme, wildfire in forests (and what's needed to address it) and wildfire in sagebrush rangelands invaded by invasive annual grasses are different matters. The distinctions between these wildfire contexts (as well as others (i.e., west-side vs. east-side forests, working lands vs. wild lands) as well as what's needed to address wildfire these different context needs to be better clarified and communicated to the public.
- Of concern ... while SB 287 Sec. 21 creates a task force, it would be tasked with issuing recommendations that are vague (i.e., *"improving programs"*). The bill language should be clarified to specifically ensure the state has an effective program for wildfire education, communication, and coordination. Recommendations on how to create or the content focus of such a state-led program should be part of the task force's tasks.

Risk Reduction Provisions: Whether under the name of "Restoration Prioritization / Capacity" or "Reduction of Wildfire Danger", SB 248 and SB 287 both contain sections that speak to a common objective: taking near-term action through a program and related projects aimed to address existing vegetative conditions on the land and reduce the risk of negative impacts from wildfire. The bill sections and provisions in this area are of critical interest to sagebrush rangelands and SageCon partners.

Positives:

- good to see the state take a more active approach in this arena (as opposed to further studying or task forcing this issue). Advancing effective programmatic approaches to active work in the next biennium and beyond is possible and demands investment, both in terms of an organized strategic approach (such as that outlined in the legislation) as well as funding investment.
- And, it is needed in the rangeland context not just the forest context. But the issues, approaches, mechanisms, and tools are different in sagebrush rangelands than forests.

Issues needing attention:

- The bills place ODF in the lead for development and implementation of this program on rangelands. As the name implies, ODF's expertise and administrative capacity is strongest in the area of forests. As for rangelands, ODF plays a very positive role related to wildfire operations and response in the context of Rangeland Fire Protection Associations (RFPAs) and federal agency coordination. However, outside of operational planning and response, ODF's expertise is relatively low in the context of designing rangeland resilience work, especially for invasive annual grass treatments and restoration of habitat resilience. The bills, however, would place ODF in the lead role with respect to the design and implementation of rangeland resilience and restoration projects.
 - Bill provisions related to coordination (SB 248-1 Sec's 18 and 20) should be revised to call out Oregon Department of Agriculture (ODA) and ensure ODF coordinates closely with ODA when designing programmatic components related to rangelands. It should also

- ensure coordination with federal, state, local, multi-stakeholder partnerships like the SageCon Partnership.
- Related to this, as addressed in the SageCon Partner letter dated Feb. 8, 2021, ODA’s Noxious Weed Program plays a critical role in addressing invasive vegetation on rangelands relevant to wildfire, and this program has been greatly curtailed over the past year-plus. It makes little sense to be divesting in programmatic capacity here while building new programmatic capacity as outlined in SB’s 248 and 287. The Noxious Weed Program needs reinvestment and focus on invasive annual grass-driven wildfire problems as part of the state’s efforts to more effectively invest in wildfire risk reduction approaches.
 - Other coordination provisions of the bills should be revised and supplemented:
 - SB 248 Section 18(1)(c) and Sec. 20(3)(a)(E) should be amended to read: “forest *and rangeland* collaboratives and other relevant community organizations *or collaborative planning venues*...”. A variety of these spaces exist in the rangeland context and can help inform program design and identification of relevant project work (SWCDs, Local Implementation Teams, Harney Wildfire Collaborative, etc.). Incorporating them by general reference would be helpful.
 - Currently, SB 287 Sec. 23(1) speaks to coordination with managers of federal lands for treatments only on “federal forestlands”, not rangelands. On the other hand, SB 248 Sec. 18(1) is inclusive of rangelands, which is more helpful.
 - Both bills only speak to coordination in the context of implementation of a program and related projects, rather than in the design of the program. SB 248(1) is helpful in that it speaks to coordination (“consult and cooperate”) with interests broader than federal agencies (counties, landowners, collaboratives or other organizations). But again, it is in the implementation context, and any bill should be clarified to require this coordination as part of design of the program, not just as it relates to implementation or project development.
 - Ensure the intended programmatic approach and related appropriations this session addresses capacity not just projects.
 - SB 248 (Section 18) is more developed and robust in the area of the development of a risk reduction / resilience program. Assuming the two bills become integrated, this is likely the language that should be worked from as a baseline.
 - Related to this, and specific to rangeland wildfire, there is a good amount of existing work across various rangeland entities engaged in the SageCon Partnership that either matches or is already focused on the types of project design objectives stated in this section (prioritizing landscape areas for focus, identifying and advancing projects that meet Sec. 18 subsection (2)(b)’s design elements, use or expand upon the existing QWRA map, identify and addressing implementation barriers, coordinating or matching funds). This existing body of work in the rangeland space is something to build upon. It should be drawn in by reference during the bill language relevant to any future ODF process, and for near term / next biennium projects, there are opportunities SageCon Partners can articulate as being ready for appropriations help.

- Furthermore, capacity needs are also known and identifiable right now (see Feb. 8 SageCon Partner letter) related to CCAA program capacity needs (converting Letters of Intent to Site-Specific Plans and monitoring / reporting of work under existing agreements), capacity for local delivery of invasives and wildfire-risk reduction work; as well as broader coordination capacity needs. The SageCon Partnership stands ready to work with you in articulating these needs.

Resiliency Goal: Section 27 of SB 287 and Section 24 of SB 24 state a resilience goal for the state that is exclusive to forest lands. Both bills express a statewide policy to “maximize forest resiliency”. The same kind of policy should exist for rangelands. To have a resilience policy for forests but not rangelands is to ignore the over 1/3 of Oregon that is not forested. SageCon partners are willing to help inform this on the rangeland front.

Protected Areas: The bills contain two respective “protected areas” sections that are identical in their language.

- They would impose new state rules establishing baseline levels of wildfire protection for “lands that are outside forest protection districts and susceptible to wildfire.” For rural sagebrush counties, this is a substantial amount of the land acreage within those counties. Rangeland Fire Protection Associations (RFPAs) have been developed by willing landowners and expanded over time to cover the majority of Oregon’s “unprotected land” in sagebrush country. Further, the bills would require county governments, by Jan. 01, 2026, to ensure that all such lands have this baseline level of protection.
- The bills should clarify:
 - how RFPAs fit into this “protected areas” framework and directive.
 - Questions exist about what kind of cost, work, and liability this section would impose on rural counties.

Wildfire Response Capacity: The bills each contain a section with identical language on this subject. Section 34(1) of SB 287 and Section 30(1) of SB 248: ODF “*shall act to facilitator wildfire prevention and wildfire response communication and coordination between federal, state, local and private entities.*”

- Oregon’s RFPA system is an area where this is already occurring and is occurring well. ODF needs capacity support to advance and expand this effort, and the legislature should ensure that investment.
- The bills should specify that, for rangelands, this subsection (1) directive should be advanced in the context of the RFPA venues that already exist (including existing MOAs with the Bureau of Land Management) so as not imply it needs to start from scratch or be built from whole cloth. Oregon has a great foundation to build upon in the rangeland context. This is especially true if the intended section (1) directive is to result in potential changes to state, federal, and local landowner approaches to wildfire response.
- Additional capacity is needed in the context of “wildfire response capacity” in the rangelands. This bill section should be matched to appropriations conversations, assuming this legislation reaches the Ways & Means Committee in some form.

- ODF RFPA Program Capacity—it's already over-lean. Staff support is needed for any RFPA program expansion and for enhanced function in achieving this section's objectives.
- Equipment: while RFPAs have a good working relationship related to securing vehicles (i.e., this is not the key state \$ funding need), other equipment needs always exist, which is especially relevant as technology continues to evolve and improve related to communications and protective gear. Legislative efforts should specify funding for Early Detection and Rapid Response measures (e.g., state \$ to leverage federal \$ in procurement of remote cameras).
- This is a volunteer program. It comes at a bargain value to the state but demands care and support. Capacity \$ is needed to ensure and continue training and education of RFPA volunteer landowners as well as reimbursement of reasonable costs related to RFPA liability insurance.
- Subsection (4) calls out workforce development. There are job and economy opportunities related to invasives and wildfire projects, and SageCon Partners are working on this in the space of the SageCon Invasives Initiative and elsewhere (invasives treatment projects, livestock economy related, active management jobs, seed technology etc.). Partners are happy to elaborate on this further as part of bill development or appropriations efforts.

Thank you again for your willingness to take meaningful action related to wildfire, and for your consideration of this input.

Sincerely,

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