Associated Oregon Loggers, Inc.

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April 9, 2021

The Honorable Jeff Golden, Chair
Senate Committee on Natural Resources and Wildfire Recovery
Oregon State Capitol
Salem, OR 97301

Subject: SB 762

Chair Golden, Vice Chair Heard and Committee Members:

For the record, my name is Amanda Astor. I am here on behalf of the Associated Oregon Loggers (AOL) as their forest policy manager. I am a Candidate Certified Forester through the Society of American Foresters with a background working for the Forest Service and forest trades associations.

Thank you for the opportunity to share with you the voice of nearly 22,000 forest operators, many of whom helped significantly during the Labor Day Fires and are out regreening Oregon's forests as we speak. We are an integral part of the solutions being explored in SB 762 and the amendments.

First, I wanted to thank the Chair and governor's office for including some of the suggested amendments AOL presented in our testimony on SB 248 and 287. By changing the requirements in Section 18 from having ODF "identify, design and oversee" projects to "select, administer and evaluate" projects, the bill now recognizes the capacity and authority limitation for ODF to work on lands they do not themselves own and manage. Regrettably, this old language of ODF designing projects was carried through Section 18 at subsection (2) paragraphs (c), (d) and (e). This language will need to be addressed through amendment moving forward.

We also appreciate the change to clarify that collaboration should be prioritized at the point of selection criteria development and not necessarily during the project selection process. AOL believes this method would lead to the most streamlined process getting more work done on the ground the quickest.

AOL is extremely supportive of investments in our forests that lead to jobs for our members and we want to say thank you for the approach to get more done in this bill. We particularly appreciate the prioritization of projects that "involve existing forest-based and range-based contracting entities". Recognizing that much of the work would need to be completed by our members is important because only certain types of work can be completed by young Oregonians as described in the Oregon Wildfire Workforce Corps Sections of this bill. AOL does however appreciate prioritizing workforce development and would be open to further conversations into programs that focus on developing the workforce for local contracting leading to increased fuels reduction capacity that would include but not be limited to logging, heavy equipment operations, trucking, road building, etc. We believe there are additional opportunities for workforce development for these trades that address fuel management and the other necessary work to get it done.

We do believe that much of our testimony from SB 248 and 287 is still pertinent for SB 762 and many other sections should be amended that I have not focused on in this testimony. Generally, that is why AOL is currently neutral on this bill. If anything, we lean supportive with recognition that there is still much work to be done. We hope that AOL is seen as a partner on this critical legislation moving forward.

AOL would like to see this bill moved to Ways and Means where a greater conversation can occur. There needs to be collaboration with other fire legislation that addresses the same issues through alternative methods. We need to find the best path forward and we believe this work will occur in Ways and Means.

Thank you for the opportunity to testify on our views of SB 762. I have also included AOL's written testimony from SB 248 and 287 below.

Graciously,

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March 15, 2021

The Honorable Jeff Golden, Chair
Senate Committee on Natural Resources and Wildfire Recovery
Oregon State Capitol
Salem, OR 97301

Subject: SB 248 -1 and 287

Chair Golden, Vice Chair Heard and Committee Members:

Introduction

For the record, my name is Amanda Astor. I am here on behalf of the Associated Oregon Loggers (AOL) as their forest policy manager. AOL is the statewide trade association who has been the voice of small family forest businesses for over 50 years.

Thank you for the opportunity to share with you the voice of nearly 1,000 small family forest businesses who helped significantly during the Labor Day Fires and are out regreening Oregon's forests as we speak. AOL's members work daily to steward Oregon's forests. These honorable small businesses led by forestry professionals employ more than 22,000 Oregonians who provide sustainable forest management services for Oregon's public and private forestlands, while producing economic stability for their communities and living wage jobs for their employees and families.

Many if not all of the collaborative pilot projects that have been completed around Oregon to address and research forest resiliency have been completed with heavy equipment and by AOL's members. We are an integral part of the solutions being explored in SB 248 -1 and 287 which were developed from the Governor's Wildfire Response Council Recommendations. AOL's members provide professional services that are informed through decades of experience.

Utilizing heavy equipment, independent contractors and small forest contracting businesses is cost effective and much more efficient than methods restricting certain practices. We do not have the luxury to utilize boutique forest management practices such as light touch forestry or helicopter logging in ground-based units. We must use proven, effective and efficient techniques to achieve the goals of these bill in a timely and frugal manner.

AOL's small family forest contractors are here to aid in achieving the goals presented in SB 248 -1 and 287.

Shared Stewardship

As many of you are aware, the Joint Emergency Board (E-Board) met on January 8th and among other wildfire recovery and prevention spending, the Oregon Department of Forestry (ODF or the Department) was appropriated $5 million for partner projects to increase forest resiliency. This is the same type of work proposed in SB 248 -1 and 287. But rather than having ODF "identify, design and oversee" these projects utilizing the inefficient methods lined out in SB 248 -1, AOL prefers the flexible language in Section 25 of SB 287. ODF has already put the $5 million from the E-Board to work. As Doug Grafe from ODF reported on March 8th at the first informational hearing on SB 248 -1 and 287, there was a Call for Projects on January 15th to get working right away. The Department reviewed the proposals over a handful of days choosing which project proposals to approve or deny for funding. The Department chose the projects based on criteria sent with the Call for Projects (attached below) that was developed by the Partnerships and Planning Program. There were 37 projects approved on February 8th, just one month after the E-Board Meeting. This method allowed quick turnaround and real work that will be completed by June 30th, 2021 in time for fire season.

The process outlined in Section 18 in SB 248 -1 is more involved, complicated and taxing. This would slow the efficiencies that already exist in the program for cross-boundary shared stewardship work. In order for ODF to "identify, design and oversee" these same projects according to SB 248 -1, much of the proposed $20 million would go towards overhead, adding capacity/additional FTEs and time-consuming monitoring work rather than increasing real work on the ground.

Perhaps, where coordination with stakeholders including OSU could occur is in developing the project criteria to be used by ODF in the selection process of these projects, NOT in selecting projects themselves. This concept is more aligned with Sections 21- 23 of SB 287, although AOL believes Section 23 should also move away from stakeholders selecting projects as is proposed in (3) on lines 24-26 of SB 287.

Overall, the current process ODF has for putting money to work by partners on cross-boundary shared stewardship work is more efficient and effective than what is proposed in SB 248 -1 Section 18.

Good Neighbor Authority

ODF's Good Neighbor Authority (GNA) work under the Federal Forest Restoration Program is fully developed by ODF's federal partners through the National Environmental Policy Act (NEPA) process. The US Forest Service and Bureau of Land Management may collaborate with ODF to a certain extent when working with collaboratives of which ODF participates on or when ODF contracts the NEPA work out, but the federal agencies are still the lead agencies on these projects. Typically, ODF does not "design" these projects as is required in Section 18 of SB 248 -1. Additionally, the NEPA process has at least three opportunities for public engagement and thus the requirement for ODF itself to "Affirmatively seek, and enhance opportunities for, collaboration from stakeholders holding a wide variety of perspectives regarding forest and rangeland management and opportunities for significant involvement by communities in proximity to project sites" is unrealistic.

If a major component of SB 248 -1 is to increase the amount of on the ground resiliency work occurring on federal lands, then the list of restricted areas for this work is unwarranted. Full flexibility is critical in achieving this goal and should be encouraged. Fires do not follow arbitrary land designation lines on a map; thus, this work should occur wherever needed and has been identified for high risk of wildfire as long as treatment is allowed under the guiding management document and under federal law.

Overall, requiring ODF to lead stakeholder engagement on federal land projects while also requiring ODF to "identify, design and oversee" these projects is duplicative with time-consuming federal requirements and simply out of the scope of responsibility for ODF in their GNA program.

Resiliency Goals

AOL believes focusing on wildfire related topics and issues in this wildfire omnibus bill is vital. Section 24 of SB 248 and Section 28 of SB 287 should simply remove the "achievement of ecological goals" language because 1) the "including, but not limited to" language would not preclude it from being considered and 2) focusing on "reduction in fuel loads and reduction in wildfire suppression costs" should be prioritized. Sometimes ecological goals can compete with resiliency and wildfire goals. Clearly and succinctly identifying the fuel and suppression goals should take precedent in SB 248 -1 and 287.

Additionally, there are major concerns in the forest sector with the rhetoric of "managed wildfire". We can understand the sentiment of fire being a tool, but reserving this tool for times that follow prescribed fire and smoke laws is key for the success of these tools. Conditions must be favorable in order to abide by these laws and regrettably, fire season when wildfires occur, is not the time when conditions are favorable according to our current laws. The only way for any fire to be beneficial is when it occurs in landscapes that are resilient and healthy such that they can adequately receive the fire. Typically, Oregon's forests that would benefit from fire would first need some type of mechanical treatment in order to set them up for success. AOL's members are the very people that would be doing this work. Mechanical treatments followed by prescribed fire, has long been a favored tool of silviculturists and other forest managers because it is cost effective and involves minimal risk.

Managing wildfires during fire season is risky business. Two very recent examples of this strategy backfiring, are the recent and deadly Beachie Creek Fire (2020) and the Chetco Bar Fire (2017). Both of these small "managed wildfires" in wilderness areas ended up blowing up to more than 100,000 acres. Linn County even filed a lawsuit against the US Forest Service to investigate this very topic. The lawsuit alleges "the Forest Service tried to extinguish a small fire that started on their land near the Opal Creek Wilderness on Aug. 16, at times using a Chinook helicopter to suppress the flames, but "inexplicably scaled back it's efforts on Aug. 21, leaving the fire to burn."

To sum it up, we believe the focus of work in SB 248 -1 and 287 should be on reducing fuels and wildfire suppression costs through mechanical treatments and prescribed fire which manages risk, follows current science, is consistent with current laws and concentrates efforts on the most critical needs in Oregon's forests to reduce the likelihood of catastrophic megafires in our future.

Appropriations

Finally, the US Forest Service and Bureau of Land Management have treatment targets assigned by congress tied to their appropriated money. Similarly, AOL believes the $20 million in appropriated funds in Section 39 should also have assigned targets. These targets could include acres treated, miles of fire line prepared, volume, or other such metrics. There targets could be developed with stakeholders in cooperation with agency staff in order to ensure they are attainable similarly to the language in Section 24 of SB 287. Assigning targets such as these would provide this Legislative Assembly with a benchmark to review the many reports that would be developed by ODF in accordance with SB 248 -1.

Conclusion

SB 248 -1 and 287 contain many good ideas to help achieve more fire adapted and resilient lands throughout Oregon. Although the sentiment is honorable, the execution should be adjusted to capture existing efficiencies in current operations. Shared stewardship work should continue to be developed at the local level and approved for funding utilizing criteria set by ODF. Adjustments to the selection criteria could be developed in consult with OSU and stakeholders to ensure prioritization captures the Governor's Wildfire Response Council Recommendations and landscape needs. Work with federal partners should acknowledge division of authority for work on federal lands and the role of ODF in collaboration. ODF does not lead this collaboration and stakeholder engagement, but rather participates in it. The Subcommittee on Federal Forests could however be reengaged in order to assess projects for the FFR Program to be involved in. Additionally, targets should be assigned to ODF's Partnership and Planning Program that is tied to funding in Section 39 with full flexibility amended into SB 248 -1 being encouraged rather than restricted. This flexibility is needed to accomplish the goals in SB 248 -1 and 287.

Working with AOL's members and forest contractors is cost effective and efficient We must use proven, effective and efficient techniques to achieve the goals of this bill in a timely and frugal manner. We look forward to continued engagement with the Legislature on this topic and to be a part of the solution.

Thank you for the opportunity to testify on our views in favor and against SB 248 -1 and 287 as presented.

Graciously,

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Oregon Department of Forestry – Partnership and Planning Program Call for Projects
Improving the Resilience of Oregon's Forests Overview

The Oregon Legislative Emergency Board (E-Board) has approved Oregon Dept. of Forestry's (ODF) request for $5 million to work collaboratively across boundaries to continue ODF's Shared Stewardship approach for implementing land management activities that improve community resilience to wildfire and restore and maintain resilient landscapes on all ownerships. Recognizing that over half of Oregon is forested with varying levels of Wildfire Risk, Wildland Urban Interface, and public and privately managed lands, the scope and scale of restoration will require an equally diverse set of stakeholders and projects. This call is intended to expand the existing work of ODF's Federal Forest Restoration (FFR) Program as well as support restoration and resilience projects on Non-Industrial Forest Lands by identifying projects that use a Shared Stewardship approach to restore and maintain landscapes across boundaries, throughout Oregon. Funds will be allocated for work performed in the current 2019-2021 biennium (running July 1, 2019 through June 30, 2021). Due to state budget rules, project **WORK MUST BE COMPLETED BY JUNE 30, 2021**, not just obligated in contracts or agreements. Any work completed after June 30, 2021 will not be reimbursed even if the initial project budget has not been expended in full.

Eligibility

ODF has supported a wide range of activities through the Partnership and Planning Program to increase the capacity, efficiency, and effectiveness of forest restoration, health and fire resiliency. These requested E-Board funds have the potential to be **leveraged by both Internal and External Partners** and organizations for the long term benefit of the mission to increase the resilience of Oregon's forests.

Projects that are eligible to receive this funding are very broad, but generally fit into two categories:

- **Implementation:** On-the-ground execution of shovel-ready projects on public or private lands, or Federal projects that have been through the National Environmental Policy Act (NEPA) process that involve thinning (commercial and non-commercial), fuels and defensible space treatments, restoration projects that contribute to forest health/fire resilience, or other projects that contribute to a landscape more resilient to disturbance or improves watershed health.

- **Planning:** Surveys, data collection, or other analysis that accelerates the completion of planning for forest restoration projects. This can also involve ODF contracting all or portions of the surveys, analysis, and documentation necessary for a project to be Categorically Excluded from needing an EA or EIS. Wildfire Planning projects on non-federal lands are also eligible.

***In addition the following eligibility requirements must be met**: the project cost is a minimum of $10,000 and projects do not include equipment purchases totaling over $1,000.

Criteria for Project Selection

Projects submitted for funding can be for implementation (performing a shovel-ready project) or for planning (surveys and analysis contributing to a NEPA decision or wildfire planning projects on non-federal lands) and will be evaluated using the selection criteria below. Projects will be evaluated based on a tiered approach with projects that fit the criteria of Tier 1 receiving higher priority than projects that fit the criteria of Tier 2, and so on. Projects that meet multiple criteria will be more likely to receive funding. **Projects that involve implementation of work will be prioritized over planning projects.**

Tier 1: Projects that contribute to a Shared Stewardship approach that cross multiple boundaries.

Tier 2: Projects within the Wildland Urban Interface (WUI) that reduce fuels and mitigate wildfire risk.

Tier 3: Projects that implement a NEPA decision or other plan that was collaboratively developed with local Forest Collaborative groups or projects identified in a Community Wildfire Protection Plan.

Tier 4: Projects or investments that expand on existing agreements such as GNA or Joint Chiefs, or leverage existing wildfire risk reduction projects.

Tier 5: Projects that demonstrate an established plan for implementing proposed activities before June 30th 2021.

Submission and Review Process

Applicants should work with relevant state and federal agencies when developing project proposals. We encourage applicants to continue to work with FFR Coordinators and ODF field staff when developing project proposals. **Project proposals with itemized costs are due to the email listed below by 5 pm PST on February 3rd, 2021**. Eligible projects will be prioritized for funding based on the selection criteria above. Partial funding of proposals will be considered.

Submit Project Proposals to: alex.j.rahmlow@oregon.gov
With the Subject Line "Funding Request to ODF Partnership and Planning Program"

Project concepts should be simple and brief. Eligible concept proposals should be approximately a page long, submitted in Word format and include:

- Contact information of the applicant
- Project name, location information, NEPA planning area (if applicable), and land ownership
- Describe which Tier(s) the project falls into (150 words max)
- Itemized project cost including estimated acres treated, planned, or other outcome metric
- Brief statement of needs and goals for the project
- Brief description of the project activities proposed, what services will be contracted (if any), and how those activities address the need for the project (150 words max)
- Brief description of the anticipated benefit or impact of the project. Please quantify or explain how the project contributes to creating resilient landscapes and fire-adapted communities (200 words max)
- Plan and timeline for implementation (completed via a contract terminating 6/15/21, administered by ODF personnel, etc.)

Administrative Structure of Projects Involving Contracted Work

The E-Board funds were allocated by the Oregon Legislature to ODF for the current 2019-2021 biennium.
Projects that require contracted help can be administratively structured in one or more of the following ways:

1) The U.S. Forest Service (USFS) or Bureau of Land Management (BLM) can use a contractor that is already under a federal IDIQ or other contract to provide services and can develop a Collections Agreement with ODF to be reimbursed after the contractor has completed work and the federal agency has paid them.
2) Applicants can request that ODF procure the contractors to perform the desired work using state contracting systems and act as the contract manager.
3) Applicants can elect to use their own contracting system and submit a request for reimbursement to ODF directly.

Timeline for Projects

February 3, 2021	Project Proposals Due
February 8, 2021	Outreach to awarded project
June 30, 2021	All project expenses incurred

Program Contacts:

P&P Program Contacts	Phone	E-mail	Program Area
Jeff Burns	503.945.7346	jeff.d.burns@oregon.gov	Partnership and Planning Program
Joe Arbow	541.480.6940	joseph.m.arbow@oregon.gov	Federal Initiatives Unit Landowner Assistance including Defensible Space projects
Alex Rahmlow	458.201.1174	alex.j.rahmlow@oregon.gov	Cross Boundary Partnership, Recovery, NRCS and Watershed Council projects
Kyle Sullivan	541.285.8685	kyle.m.sullivan@oregon.gov	Good Neighbor Authority, NEPA and other Federal Forest Restoration Projects