



The League of Women Voters of Oregon is a 101-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

April 10, 2021

To: [Senator Jeff Golden](#), Senate Committee on Natural Resources and Wildfire Recovery, Chair
[Members of the Senate Committee on Natural Resources and Wildfire Recovery](#)

Re: SB 762-3 - Wildfire omnibus bill - **Support**

League of Women Voters of Oregon supports policies that promote both conservation and development of land as a natural resource, in accordance with Oregon's land use goals. The League of Women Voters of Oregon recognizes the Land Conservation and Development Commission (LCDC) as the statewide planning agency and supports its 19 statewide land use goals; in particular for this bill, we note Goals 1, 2, 3, 4, and 7. The League believes we have a climate emergency and that all state agencies have a role in helping Oregonians to address the dangers of wildfire. The state should assure the active participation and input by the public and local and regional governments with an eye to addressing diversity, equity and inclusion (DEI) issues in the planning process.

The LWV enthusiastically supports SB 762 with the -3 amendment because it demonstrates these principles and values of inclusiveness and active public participation. We appreciate the tremendous amount of thoughtful work that went in to crafting this comprehensive bill that reflects the concerns of the wide variety of stakeholders involved as well as the carefully designed compromises made to address those concerns. The LWV hopes that this bill will be approved and work will begin because, as we write this letter, three Oregon counties have already declared a drought. **We hope there will be no delay in approvals and the bill will receive the full funding noted in the -6 amendment of \$150 million for the various agencies in this bill. We support the use of an Emergency Clause so that the work can begin soon.**

Here are our comments on SB 762 with the -3 amendment that align with our principles:

General comments:

We most appreciate the statewide approach this bill takes to create a consistent and equitable method to prepare for and manage our limited resources to prioritize the most critical and highest risk areas--first to protect lives and homes and with a focus on our most vulnerable communities. Leaving wildfire and emergency response planning and financing to local governments alone to plan for and coordinate this work and to finance wildfire preparedness can only result in inequities where poorer rural communities are put at greater risk than areas closer to wealthier urban centers.

We support starting with a revised definition of the wildland urban interface (WUI) based on international codes. The centrality of statewide wildfire risk-mapping responsibility given to the Oregon Department of Forestry (ODF), which already has a good start on this work and is most familiar with firefighting operations, makes sense as does engaging Oregon State University, the Department of Land Conservation and Development and others, focusing on a home-outward defensible space within the ignition zone is a science-based approach focusing on areas of greatest risk of fire. This will save both residents' and firefighters' lives and will also save Oregon dollars on fire suppression efforts. Timelines and agency responsibilities are clearly spelled out in the bill. And finally, the inclusion of processes (following administrative rules) by each agency to include the public and local and regional governmental entities' input, in both rulemaking and implementation of the plans' standards and codes, with a mechanism built

in for future review and improvements, reflects a very thoughtful and deliberate bill design. We commend all those who worked to produce such an excellent and much-needed work product.

Sections 1-6: Public Utility Commission (PUC) Plans

The PUC is given the clear leadership and responsibility for review and approval of wildfire risk mitigation plans developed by both investor-owned and consumer-owned utilities. It would conduct workshops on best practices on plans for utilities to follow in the event of wildfire with the probability of high wind weather events. All public utility plans are due by Dec. 31, 2021. Consumer-owned utilities have until June 30, 2022. Since lack of planning and coordinated procedures for shutting off power and the lack of vegetative maintenance under powerlines might well have been major factors in the Labor Day 2020 Fires, this work can prevent some of the most devastating impacts during wildfire. Utilities can recover their costs by adjusting rates under the PUC oversight. We think legislators should consider the public comments to the Committee at the April 9 hearing that plans, once adopted, are regulations that should be enforced with defined penalties for utilities that fail to shut off power according to those plans, during predicted severe weather events. (We note that the -3 removes penalty restrictions). And, as a Lane County Commissioner pointed out during the April 9 hearing, local power alternatives are needed for health, safety and emergency communications, and a plan for the *coordination* among various consumer-owned and investor-owned utilities for these purposes should be the responsibility of the PUC.

Section 7: Statewide Risk Mapping

There is a clear need for Wildfire Risk Mapping, which will guide every other provision in this comprehensive bill, with its focus on the Wildland Urban Interface. It authorizes the Board of Forestry to develop the criteria for development of three to five fire risk classes. ODF will develop and maintain these detailed maps down to the individual property level in coordination with Oregon State University (OSU), other state agencies, the State Fire Marshal, local governments, Indian tribes and other public bodies. The public will also have the ability to provide input. Maps must be completed by June 30, 2022. The State Fire Marshal is responsible for providing financial, administrative, technical or other assistance to a local government to enforce minimum defensible space requirements once determined by the maps and after adoption by the agencies. **These maps are essential for determining where best to focus state investment to protect human life and property.**

Section 8 -10: Defensible Space

The State Fire Marshall, in consultation with the Oregon Fire Code Advisory Board, will select and keep current standards based on the International WUI Code and is charged with education on risk reduction and homes' defensible space preparation. Enforcement is left to either local government or the Fire Marshall. Local authorities *may* adopt more stringent code requirements but *shall* provide financial assistance to create defensible space. **Defensible space requirements based on risk mapping must be completed by December 31, 2022.** Section 9 sets up a fund for the Fire Marshall to use to implement this program and 10 requires a status report to legislators for the next regular session with recommendations for modifications and/or improvements to the program.

Section 11: Land Use

DLCD will develop rules to update the statewide land use planning program and provide guidance for local land development codes that incorporate wildfire risk maps as a part of Goal 7, Natural Hazards.

Section 12: Building Codes

The Department of Consumer and Business Services is given the responsibility of setting wildfire hazard building code standards for *new* construction and updating the Oregon Residential Specialty Code with R327 standards for high-risk and extreme risk wildfire classifications by December 31, 2022. **Having consistent standards throughout the state based on risk is important for increasing equity in vulnerable communities. That consistency is also helpful for builders as they construct new homes for Oregonians.**

Section 13-15: Wildfire Smoke

The bill delegates the responsibility of addressing wildfire smoke to the Department of Environmental Quality and the Oregon Health Authority (OHA) to develop a response program to support local communities with funding sources for wildfire smoke detection, planning, education, mitigation and air quality monitoring and communication.

OHA is to make clean air shelters and smoke filtration systems available to those most vulnerable to smoke in high smoke areas and may provide grants to install shelters and systems that meet the standards they set, including residential and public buildings occupied by the Oregon Health Plan (OHP) and Medicaid occupants with health issues that are aggravated by smoke. OHA is to report back to the legislature on use, health impacts, and the return on investment for these systems. **We support the periodic evaluation and cost benefit analysis of this program as it proceeds to see what adjustments may be needed.**

Section 16-17: Emergency Response and Disaster Recovery

The Office of Emergency Management shall update its statewide plan to include preparation, mitigation and planning in coordination with OHA and local jurisdictions, and residential facility operators, both public and private, to establish procedures and education on evacuation plans **in the event of a wildfire emergency**. Had these kinds of plans and communication resources been in place, much of the chaos and panic surrounding the devastating fires around Gates, Detroit, Phoenix and Talent, among other communities, might have been greatly reduced.

Section 18-20: Reduction of Wildfire Risk

ODF, in consultation with state and federal agencies, community organizations and other stakeholders, will develop selection criteria and design a program of projects to reduce wildfire danger on public or private forestlands and rangelands by reducing hazardous fuel levels. **Oregon wildfire plans should achieve 1) a reduction of fuel loads, 2) meet ecological goals, and 3) reduce wildfire suppression costs.**

We believe these projects must be designed to carefully consider local conditions and forest types, and be monitored with care to protect soils, streams and local water supplies. These projects may include prescribed burning and thinning where ecologically appropriate. ODF will collaborate with the OSU Extension Service to identify strategic landscapes ready for treatment. The priorities are spelled out in great detail, and provide for a number of environmental and wildlife protections for critical and sensitive areas and endangered species. Section 19 reaffirms private landowner management rights on private land. Projects funded this biennium are to be completed by June 30, 2023. A detailed ODF report is required, including funding sources and collaboration partners for these projects and is due January 15, 2022. **We think this section reflects a lot of deliberation and compromise to come up with recommendations that many stakeholders care about and can agree with.**

Section 21-23: The Oregon Wildfire Workforce Corps Program

A public/private partnership program is proposed to educate and harness youth ages 13-26 to help reduce wildfire risk by helping to create fire-adapted communities. The Oregon Wildfire Workforce Advisory Committee under the auspices of the Higher Education Coordinating Commission is instructed to solicit private funding through the Oregon Community Foundation which will administer the funds. State funding will provide \$1 million to seed a matching fund to solicit private dollars and will match up to \$10 million. **The funds will be used to provide grants for fire-reducing projects within the WUI, and for nonprofit organizations to administer these projects on the ground, and to provide youth job training and skill development with forestry-related job potential.** The LWV thinks this is an excellent idea as it will serve the dual purpose of providing labor for much needed fire reduction projects in the WUI while providing Oregon youth job training and the opportunity for advancement.

Section 24: Small Woodland Grant Program

A small woodland grant program will help small woodland owners reduce hazardous fuels and restore fire resiliency to their woodlands.

Section 25-26: Prescribed Fire

ODF shall adopt rules by November 30, 2022 concerning allowing prescribed fire with a permit and across ownerships with neighbor consent. This is a new provision to permit owners to do prescribed burning operations on their own lands so long as they first obtain a fire permit.

An existing program provides assistance to forestland owners upon request with removing fire hazards and for forestland enhancement projects. This bill expands the assistance to include Forest Protective Associations and the State Forester to help with burn management. A new provision would allow the rules to establish and impose fees for participation in the program.

Section 27: Burn Manager Program

The State Board of Forestry, in consultation on best practices with the Oregon Prescribed Fire Council, shall start a rule-making process for conducting the Certified Burn Manager program and will share its progress in establishing it with the Legislature when the Board is ready to launch.

Section 28-29: Protected Areas

The State Forester, in collaboration with the State Fire Marshal, state agencies and local governments as defined, shall adopt rules establishing baseline levels of wildfire protection for all lands that are outside of forest protection districts. **It is extremely important that there be some level of fire protection in all portions of the state.** Counties, in collaboration with the State Forester and the State Fire Marshal, may assist landowners to help ensure that this baseline of fire protection is established no later than January 1, 2026.

Section 30: Wildfire Response Capacity

ODF shall consult and coordinate with federal agencies, stakeholders and other state agencies to determine the adequacy of state, federal and private wildfire response capacity and work to garner resources for areas at greater risk. ODF may enter into cooperative agreements or contracts with a local or private entity for the purpose of assisting the entity to organize for purposes of wildfire risk mitigation or wildfire response, including, but not limited to, facilitating wildfire training and the acquisition of firefighting equipment and assisting with payment for liability insurance and other administrative expenses associated with wildfire risk mitigation or wildfire response. The State Fire Marshal may enter into contracts with other states for fire suppression, coordination and response.

This section provides broad authority to find the resources needed to expand fire and emergency response. The department has faced funding shortages for years in the face of increasing fire costs. We hope the allocation is sufficient to fund all the new responsibilities the department will be required to perform.

Section 35: State Wildfire Programs Director

The Governor shall appoint a State Wildfire Programs Director to oversee the implementation of requirements and authorization in this act. Its duties are to integrate and coordinate the various agencies and departments, and to make on-going improvements and recommendations for efficient and effective implementation of the bill's requirements, as well as serve as staff for a new 17-member Wildfire Advisory Committee.

The LWV is happy to see that the bill has planned for continued process and program improvement. At every step along the way, there is a public process built in to the development of these plans, which is of greatest importance to the League.

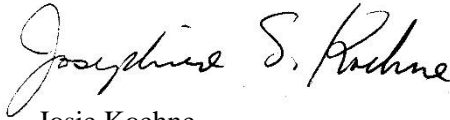
In summary, the reasons the LWV is strongly supportive of this bill, is that there are clearly defined roles, responsibilities and timelines within a carefully coordinated framework that should maximize

Oregon’s resiliency related to wildfire with an eye to minimizing waste of limited financial resources. It responds to our climate emergency in an equitable way that protects vulnerable communities and allows for local and regional differences while meeting common standards of fire protection.

Thank you for the opportunity to discuss this legislation. We wish to thank all those who participated in the fine work that went into this excellent bill, from the Governor’s Wildfire Council, to the many public voices and broad group of stakeholders who participated in developing this bill. **We recommend the Committee adopt the amendments and send the bill to Ways and Means with a “do pass” recommendation.**



Rebecca Gladstone
LWVOR President



Josie Koehne
LWVOR Forestry Portfolio



Peggy Lynch
Natural Resources Coordinator

Cc: Jason Miner, Governor’s Natural Resources Policy Director (Jason.Miner@oregon.gov)
Peter Daugherty, State Forester (Peter.Daugherty@oregon.gov)