

March 3, 2023

To: 82nd Oregon Legislative Assembly
2023 Regular Session

From: Wildfire Programs Advisory Council

Re: Recommendations for Future Wildfire Map

Background

The Wildfire Programs Advisory Council (WPAC) was created by SB 762 (2021).¹ Among other things, the WPAC is charged with:

- “Closely monitoring implementation of activities related to wildfire prevention and response.”
- “Providing advice on potential changes to the activities in order to fulfill the goal of dramatically reducing wildfire risk in this state and ensuring that regional defensible space, building codes and land use applications are appropriate.”
- “Assessing ways the statewide map of wildfire risk ... may inform development of building codes and land use laws, rules and decisions, in a regionally appropriate manner.”

In addition, the WPAC must “submit a report to the Governor and appropriate committees or interim committees of the Legislative Assembly that describes progress on implementing program activities related to defensible space, building codes, land use and community emergency preparedness and that recommends improvements.”²

The WPAC submitted its *Wildfire Programs Advisory Council Annual Report* to the Legislature in October 2022, with an Addendum in January 2023. The Report includes a section on “Wildfire Risk Mapping” describing the purposes of the map and its implementation status. We noted that on June 30, 2022, the Oregon Department of Forestry (ODF) and Oregon State University (OSU) published the wildfire risk map on the Oregon Wildfire Risk Explorer website. On August 4, 2022, ODF withdrew the map to refine it and the appeals process, including significantly improving engagement with Oregonians across the state. Therefore, in our Report, the WPAC also made initial recommendations on how to improve outreach and engagement on the map.³

¹ SB 762, Sections 36-39.

² SB 762, Sec. 36(13).

³ WPAC 2022 Annual Report, p. 22.

The WPAC values the important role that the information contained in a map of wildfire risk can play in directing equipment, funding, technical assistance, regulations, and other tools to local communities to make Oregon more wildfire prepared and resilient. Therefore, the full WPAC directed a subgroup to bring back to the full WPAC recommendations for how the Legislature could adjust provisions in SB 762 to improve to the next wildfire risk map.

In undertaking this task, we reviewed recommendations from the Wildfire Programs Director and input from all WPAC members, various state agencies, and our own constituencies and communities.

Recommendations: Improvements to the Next Statewide Wildfire Risk Map

These recommended improvements are designed to support a robust outreach and engagement program around the map and to ensure a more effective delivery and understanding of the next map. These recommendations are not intended to change the purpose and legislative intent of the map to:

- Ensure the most vulnerable locations threatened by wildfire are prioritized for fire adaptation and mitigation investments, so limited resources can be most prudently deployed to protect lives and homes, and
- Identify where new defensible space standards and home hardening building codes will apply.

(A) Rename the map

We recommend renaming the map to a “Wildfire Hazard” map, and renaming the classification categories to three “low, medium, and high hazard” zones, to better represent the map’s true function. While there is no commonly used name for this type of map yet, California uses “Wildfire Hazard Map,” so adopting this term would start to establish consistency between neighboring states.

This decouples the un-intended expectation that implementing the community defense measures (hardening of homes and defensible space) would adjust one’s classification. These defense measures can increase home survivability and reduce wildfire risk to one’s property, but they do not influence a property’s exposure to the wildfire hazard that exists based on where one lives in relation to landscape-scale climate, weather, topography, and vegetation. The “high hazard zone” classification would take in the existing high and extreme risk classifications, which are redundant and add complexity by creating more classification mapping boundaries than necessary.

It is challenging to conclude, with scientific integrity, that there are areas of “no risk,” which SB 762 called for. Therefore, the next map should have areas with no classification, most likely the interior urban areas inside the WUI “donut holes.” As more is learned about these areas from fuels modeling and other research, we expect this undesignated category to evolve.

We note that this does not take into account potential rulemaking that may be necessary to adjust the classification zones.

(B) Provide for a robust community engagement process

We recommend a robust community outreach process incorporating all agencies involved in the map and community risk reduction efforts under SB762 and any future related legislation. Strong interagency coordination is needed to engage communities in the process for the map, and to ensure that its next iteration is contextualized appropriately; i.e., that all information about the defensible space best practices or code, home hardening, funding, grants, and other opportunities is also clearly communicated.

This outreach should:

- Ensure that the underlying criteria for assigning hazard zones are available and made understandable to a public audience. Use graphics, visuals, and examples for effective communication.
- Be interactive in nature, rather than solely focused on top-down information delivery.
- Recognize the existing knowledge and efforts of landowners in reducing their risk.
- Be coordinated with local partners and relevant agencies.

We recommend that map production dates allow for completion of this outreach process as described above, recognizing that the legislature may be making adjustments to map requirements that may impact the timing of the map release. We urge the legislature to look to agencies responsible for producing the map for appropriate and expedient dates for this process.

(C) Require ODF notification letters to high hazard zone classifications within the WUI only

We recommend that notification letters be sent only to those in the high hazard zone classification in the WUI. This will allow for both a clearer notification process and a focused public engagement process with these land owners, residents, and businesses.

We also recommend that a draft of the letter be vetted by the WPAC for any recommendations on tone, clarity of language, and presentation of information.

The letter should include or provide clear ways to access regulatory information, guidance, and sources of technical assistance.

(D) Seek efficiency and effectiveness in the appeals process

We recommend using the existing Oregon Administrative Procedures Act (APA), which establishes a system for the judicial review of administrative decisions. The APA applies broadly

to any final order of an agency. A hazard zone or WUI classification could be named explicitly as orders of the agency.

Leveraging the existing APA would allow for an efficient administrative appeal processes for both the appellant and the agency, by avoiding the redundant appeal process through ODF which currently exists in law.

(E) Update equity language

The WPAC understands that the legislative intent in requiring building a map layer of the socially and economically vulnerable communities was, in part, to direct limited resources to those in most need. However, it is not explicit in law how or for what purpose to use the mapping layer.

Oregon’s wildfire risk information indicates that socially and economically vulnerable communities, including renters, are disproportionately impacted by wildfire. Recent studies from California also demonstrate this relationship.⁴

We recommend making it clear that information in the mapping layer of socially and economically vulnerable communities is to be used to:

- Direct limited resources for implementing wildfire resiliency tools, including defensible space and home hardening, and
- Engage in extensive outreach into these vulnerable communities, using a variety of methods, including partnerships with community leaders and community-based organizations; different media; dissemination through local schools, stores, faith-based organizations, and medical offices; and offering all in the languages spoken in the community.

⁴ Masri, S., Scaduto E., Jin, Y., Wu, J., *Disproportionate Impacts of Wildfires among Elderly and Low-Income Communities in California from 2000–2020*, April 8, 2021, <https://www.mdpi.com/1660-4601/18/8/3921>

Hino, Miyuki; Field, Christopher B, *Fire frequency and vulnerability in California*, Feb 15, 2023. https://plos.figshare.com/collections/Fire_frequency_and_vulnerability_in_California/6431055

Fast Company, *The West Coast’s extreme heat and wildfires have another hidden danger: Affordable housing is at risk, and policymakers need to act now to protect it*. Sept. 16, 2020. <https://www.fastcompany.com/90550201/the-west-coasts-extreme-heat-and-wildfires-have-another-hidden-danger>

Thank you for the opportunity to comment on the process for the statewide wildfire risk map. The WPAC wishes to continue to engage in monitoring, assessment, and provision of advice on this topic, per our role specified in SB 762.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Bennett". The signature is written in a cursive style with a large, prominent initial 'M'.

Wildfire Programs Advisory Council – Chair Mark Bennett