



Oregon

John A. Kitzhaber, MD, Governor

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April 26, 2013



"STEWARDSHIP IN FORESTRY"

Senator Chris Edwards, Co-Chair
Representative Ben Unger, Co-Chair
Joint Ways and Means Subcommittee on Natural Resources
Oregon State Capitol
Salem, OR 97301

RE: Response to Questions from the Subcommittee

Dear Co-Chairs Edwards and Unger, and Members of the Subcommittee:

During the Oregon Department of Forestry's April 22, 2013 budget hearing, the Natural Resources Subcommittee of Ways and Means asked several questions. Below are the Department's responses.

Question 1: Package 412 provides \$348,801 Other Funds expenditure limitation to establish two Fire Investigator positions. What is the revenue source of the Other Funds?

We would like to modify our request from two positions to one position. This reduces the total biennial cost, including Services and Supplies, to \$174,400, which will be paid with \$116,267 Other Funds and \$58,133 Federal Funds. The proposed revenue sources are as follows:

- Other Funds – Oregon Forestland Protection Fund (one-third)
- Other Funds – Cost collectable fire incidents (one-third)
- Federal Funds – Federal dollars allocated to the Department from the U. S. Forest Service – specifically State Fire Assistance and Federal Emergency Management Agency (FEMA) revenue. (one-third)

This combination will fully fund one position for the 2013-15 biennium. Should additional Other Funds revenues exist, along with a demand for fire investigation work, the Department would respectfully request the opportunity to appear before an interim committee or during the February session to seek approval for the second position as a limited duration position.

Question 2: Provide a copy of the Fire Investigation and Cost Recovery Issue Paper.

It is attached. (Attachment 1)

Question 3: Package 481 provides funding to replace an aging, unsafe warehouse in Eastern Lane County. What is the square footage of the proposed facility?

It is 8,500 square feet.

Question 4: Package 482 provides \$364,678 General Fund allocation and \$796,918 Other Funds expenditure limitation for four new Information Systems Specialist positions. Provide a breakdown of the expenditures.

The breakdown of the expenditures is as follows:

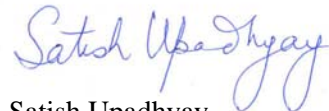
Personal Services:	\$676,876
• 3 Information Systems Specialist 6 at \$4,551 per month	
• 1 Information Systems Specialist 5 at \$4,258 per month	
• Other Payroll Expenses	
Services and Supplies and Capital Outlay:	\$120,042
• Travel, Training, Office Expenses, Furniture, etc.	
Total Biennial Cost	\$796,918

Of the \$796,918 Other Funds, \$364,678 comes from General Fund, because the Fire Protection and Private Forests programs pay a portion of agency administration costs with the General Fund that they receive. The state budgeting process requires any General Fund that is part of the Other Funds to be identified separately.

Please refer to Attachment 2, Fiscal Impact Form, for a detailed breakdown of this package.

If you have follow-up questions, please contact me.

Sincerely,



Satish Upadhyay
Administrative Services Division Chief
(503) 945-7203

Attachments:

1. Fire Investigation and Cost Recovery Issue Paper
2. Pkg. 482 – Fiscal Impact Form

c: Linda Gilbert, Principal Legislative Analyst, LFO
Lisa Pearson, Policy and Budget Analyst, CFO
Doug Decker, State Forester



Oregon Department of Forestry
Fire Investigation and Cost Recovery
Issue Paper
March 1, 2012

I. Summary

The goal is to have a cost effective, efficient system of required fire investigation, prevention, and cost recovery which is an integral component of the complete and coordinated Oregon Forest Fire Protection system.

II. Background

Historically, Oregon Department of Forestry (ODF) has been a leader in wildfire investigation and cost recovery. Established agency policies and procedures were generally accepted as the standard in the absence of anything else. Fire investigations and cost recovery cases were comparatively simple and straight-forward, resources were generally available, and fire suppression costs were comparatively low. The general environment was such that being an investigator was an attractive option for those agency employees with an interest. Developing investigators and maintaining capacity was not a problem. Fire suppression costs less frequently exceeded strict liability limits.

Over the last two decades, several factors began to have a significant impact on fire investigation and cost recovery: establishment of minimum professional standards and a consistent scientific methodology for conducting fire investigations; dramatically increasing fire suppression costs; loss of experienced investigators due to retirements; decreased internal workforce because of budget reductions; and increasing primary workload demands.

These factors and a willingness of ODF retirees to continue to function as fire investigators on a "call-when-needed" contractual/temporary employee basis have led to the fire investigation program relying heavily on these individuals rather than develop a long-term solution. This served the program well for several years, but attrition is thinning the ranks: the number of these readily-available investigators is currently four (one is a Type 2 investigator), down from a high of five as recently as 2008. Three of the remaining investigators are aging and will only be available for a limited number of years before fully "retiring". It is imperative that the agency begin to rebuild this investigative capacity to off-set the loss of these contract resources. Other qualified consultants are currently available but at a higher hourly rate.

III. Define the Issue

The Investigation and Cost Recovery Program is realizing the effects of decreased capacity resulting in delayed completion of both complex investigations and cost recoveries. As a result there is a backlog of 133 cost recovery cases that represents a potential of \$4,325,796.90 of uncollected fire cost collections, plus an additional 7 large fires totaling \$8,444,000 in fire suppression costs yet to be moved into cost recovery status. Fire cases need to be handled on a priority basis to minimize the time interval from the time of the fire to completion of the case with the goal of returning the maximum recoverable funds possible. This information is detailed in Appendix D of this report.

Fire investigations are also a critical element in fire prevention – rapid determination of fire cause leads to greater prevention of future fires and the ability to increase awareness.

Reduced internal investigative capacity:

Throughout the last decade the agency has experienced a high rate of attrition of upper level investigators due to retirements. Currently ODF has only one certified Type 1 lead investigator available for statewide mobilization. Coos and Douglas Forest Protective Associations have four Type 1 investigators between them, but many of those individuals, due to limitations inherent to their positions and geographic locations, have limited availability for statewide mobilization. Most districts do not maintain advanced-level investigative capacity (Type 1 investigators). Consequently, the agency relies heavily on contractors (call-when-needed individuals) – the majority are ODF-retirees – to serve as Type 1 investigators on complex fire investigations. The number of these retiree contractors is diminishing as the individuals age and choose to move onto other pursuits or fully retire.

Budget and personnel reductions have severely limited the agency's ability to develop and maintain Type 1 and 2 investigators that are available for statewide mobilization. Many positions that were a good fit for investigators because they were not employed in fire operations have been cut, reducing the number of personnel available, and subsequently limiting districts' ability to commit to fielding fire investigators. Some Department employees interested in becoming Type 1 and 2 investigators may be discouraged by their district foresters who don't want to incur training costs, time lost to other projects during training, and the potential that in the future they may be used to help other districts to the detriment of their regular workload on their district.

Department employees are less willing to invest the time to develop into an upper level investigator. Unless a specific employee has a strong desire to become an investigator, the workload demands are a disincentive. When a firefighter returns from a fire, the work is, for the most part, complete. For an investigator on a complex fire investigation, processing the fire scene is just the beginning. Follow-up and analysis can require tens or hundreds of additional hours on top of regular district responsibilities. This has become a significant disincentive for both individuals to develop and their supervisors to support their employee's investigator development.

Cost:

ODF managers see the Oregon Forest Land Protection Fund (OFLPF) receiving most of the fire cost recovery proceeds. There is a sense that they don't feel compelled to use their personnel resources to investigate and recover fire costs. The OFLPF reimburses the cost of contract investigators but does not fully reimburse ODF investigator costs (if the investigator is protection-funded). They also see the OFLPF as having adequate financial resources to do some of these functions while the department is short on funding for other purposes. The lower \$10 million deductible with the current revenue rates makes the OFLPF a potential source of funds for fire investigation and cost collection in their view.

Currently the OFLPF funds can only be used for "equalizing emergency suppression costs". The Emergency Fire Cost Committee (EFCC) does have the ability to make changes in policy and support any necessary legislative changes should they deem beneficial and in support of appropriate use of landowner funds. Among the landowner community there is already a serious "inequity" issue in the expenditure of OFLPF funds versus General Fund. For the period 1993-2012 fiscal years, the OFLPF has funded \$156.9 million (82.1%) to the General Fund \$34.1 million (17.9%) in emergency suppression. Any move to secure more of these funds without addressing "equity" could be met with resistance.

Increased investigator and staff workload demands:

Fire costs have increased significantly over recent years. At the same time, seemingly society has become more litigious. These factors have contributed to an increase in the complexity and length of time of investigations. Standards of methodology require thorough and detailed data collection, documentation, and analysis to come to appropriate and defensible conclusions.

Responsible parties, often represented by insurance companies and experienced law firms, are rigorously defending against liability. Often their objective is to identify and develop weaknesses in

the case to mitigate away all or a portion of their client's liability. Facts as well as process are carefully scrutinized, requiring significant time and effort on the part of the investigator and staff. Follow-up and analysis can last for months or even years.

Complex investigations require significant and meticulous documentation. Investigation reporting requires a complete and accurate narrative, and thorough compilation of the facts along with supporting information. Current documentation requirements further increase the demand on staff and investigators as well as the districts supplying the investigators.

The workload on staff is compounded when managing multiple complex cases while seeking to maintain the highest level of investigative integrity. The balance between case management and other duties has begun to result in a reactive approach to the needs of the program. The backlog of cases is leading to delayed cost collection, lost interest income, and missed opportunity (in one case the responsible party died and the estate was settled before a cost collection claim could be made).

There is a fundamental issue implicit in the current situation. Does it make sense to continue having Type 1 fire investigators at the district and area level to be called to this duty when needed, or does it make sense to do these investigations with full time professional investigators on the Salem staff?

Summary of concerns:

The reduced number of Type 1 and 2 investigators results in significantly longer time periods to fully investigate fires, assemble facts, complete needed forensics, and compile the fire investigation report. Fire cost recovery efforts cannot begin until these vital steps are completed. This delay in launching fire cost recovery efforts can impact the OFLPF and districts by reducing interest earnings on earlier fire cost recoveries, and increases the potential for reduced fire cost recoveries when cases are not expeditiously completed and the responsible parties billed in a timely manner.

Although the backlog of cases of type 1 investigations (\$100,000 in suppression costs and greater) is less than 10 fires, this is due to fewer complex investigations in the past few seasons. A return to a higher number of new cases, coupled with fewer agency and contract investigators, will undoubtedly lead to even more delayed, lengthy cost collection cases. There is a very real sense that this decline in investigative resources could result in a situation where a bad fire season with a number of complex/costly fires to investigate could overwhelm the existing fire investigation and cost recovery program.

IV. Policy Recommendations

The task group identified the following elements as critical in addressing the agency's investigative capacity issues; the group's recommendations are nested in each of these elements:

- ***Investigator capacity***
- ***Improve training and certification***
- ***Secure needed tools and technology***
- ***Investigator development and retention incentive options***
- ***Consider funding options (district, ODF, OFLPF, others)***
- ***Strong agency policy, guidance, and compliance***
- ***Case management***
- ***Explore Legislative needs-revisions***

The following are the task group's selected alternatives, categorized by critical element:

- **Investigator capacity**
 - Establish district/area investigator goals and provide one limited duration fire investigator/case manager and one limited duration administrative specialist as needed until internal capacity can be developed:
 - a. Each district¹ will develop and maintain two (or more) Type 2 investigators
 - b. Each area will develop and maintain two (or more) qualified Type 1 investigators
 - c. The "Big Four"² districts will develop and maintain one Type 1 investigator per district (these investigators count toward each area's Type 1 investigator goals)
 - d. Two limited duration employees, a Type 1 investigator/case manager³ and an administrative specialist⁴ will be assigned as needed under the direction of Salem headquarters. The investigator will provide an extension of the current program, working to wrap cases up and move them into cost collection; the administrative specialist will provide coordination and assistance to Jeff Bonebrake to pare down the case backlog ("catch up").
 - e. Need for the limited duration positions and their future disposition would be re-evaluated in 1-2 years
 - f. Contractors will be used as needed, working with militia investigators, to meet the basic investigative workload
 - g. Districts and areas will begin to develop their Type 1 and Type 2 investigators as outlined above during the limited duration time period
 - h. Consider the use of work groups or task forces to perform tasks such as directive updating, manual updating, etc. Use dedicated funding (see "...funding options" on page 5) to off-set participants' costs
- **Improve training and certification**
 - Develop and expand internal training opportunities, as well as identify external training opportunities and make them available for all qualified Type 1 and 2 investigators, and those seeking qualification at that level
 - Develop a mentoring program for developing and maintaining Type 1 and 2 investigators
 - Develop incentives for districts to maintain Type 1 and 2 investigators -- one option would be to increase funding of fire investigation/fire cost collection work on larger, more complex fire cases (e.g. paying the "base eight" time of protection-funded Type 1 and 2 investigators when working on type 1 and 2 investigations within their area of responsibility)
- **Secure needed tools and technology**
 - Expand statewide cache of fire investigative support equipment for use by Type 1 and 2 investigators [identify and secure budgeted funds necessary to equip the recommended increased number of investigators statewide]

¹ For the purposes of this policy recommendation, the Northwest Oregon Forest Protection District (consisting of the Astoria, Forest Grove and Tillamook protection units) is considered to be one district

² The "Big Four" districts include Southwest Oregon, Central Oregon, Klamath-Lake, and Northeast Oregon. They account for a large majority of claims to the OFLFP

³ Monthly cost of an investigator/case manager would be \$8,178; assuming sixth step NRS 2 classification, 60% OPE, and 25% service and supply support costs

⁴ Monthly cost of an administrative specialist would be \$7,454; assuming sixth step OM 2 classification, 60% OPE, and 25% service and supply support costs

⁵ See Attachment A for a detailed description of the duties of an investigator/case manager

- Identify future needs to support an advanced fire investigation program:
 - a. Develop a fund that provides support to key task force efforts such as the successful Arson Task Patrol – including arson task force(s) as needed
 - b. Consider developing access to additional data bases to provide support for ongoing and future investigations
- **Investigator development and retention incentive options**
 - Explore providing Police and Fire Retirement benefits year-round for qualified Type 1 investigators (both militia and full-time investigators)
 - Provide employee investigator recognition for successful cost recovery efforts and/or prosecutions of parties causing forest fires
- **Consider funding options (district, ODF, OFLPF, others)**

The following funding options should be considered for funding the additional personnel (“investigator capacity” section above), as well as for investigative equipment needs (“tools and technology”:

 - Administrative pro-rate (100% General Fund (GF))
 - Headquarters Services (50% GF – 50% landowner funds)
 - State Fire Assistance (SFA) grant monies (federal funds)
 - Oregon Forest Land Protection Fund (OFLPF) (100% landowner cost)
 - Any combination of the funding sources listed above
- **Strong agency policy, guidance, and compliance**
 - Explore authority/policy to administratively permit districts to forego fire cost collection on insignificant fires
 - Continue use of expedited fire investigation report process when appropriate to streamline fire investigations (e.g. Burnt Peak Fire investigation)
 - Fire investigation report standards and forms – review current investigation report standards to ensure that efficiencies are being effectively implemented that may minimize content and length of reports
 - Explore authority/policy to permit districts to direct-bill responsible parties for fires
 - Develop guidelines for direct billing, and for pursuing small claim actions
 - Review and update investigation and cost collection directives, and the investigation procedures manual
- **Case management**
 - Where appropriate, utilize ODF staff to perform non-legal tasks on cases that have been referred to Dept. of Justice

- ODF Cost Collection Manager and, where appropriate, Dept. of Justice review on-going cost collection cases with EFCC at their regular quarterly meetings – this may require the Committee moving into Executive Session when confidential information is being shared/discussed
- **Explore Legislative needs-revisions**
 - Explore broadening strict liability statute (ORS 477.120) to include:
 - a. Agricultural/ranching commercial operations
 - b. Wildfires resulting from vehicles on highway right-of-ways
 - c. Power line right-of-ways
 - d. Railroad right-of-ways

V. Alternatives Considered But Not Selected

The following alternatives, again categorized by the critical elements, were considered by the task group:

- **Investigator capacity (note: all alternatives assume investigators are agency-certified):**
 - Maintain district/area investigator goals and provide two fire investigators/case managers: one in SOA and one in EOA under the direction of Salem (“Agency employees option”):
 - a. Each district will develop and maintain two (or more) Type 2 investigators
 - b. Each area will develop and maintain two (or more) qualified Type 1 investigators
 - c. The “Big Four” districts (Southwest Oregon, Central Oregon, Klamath-Lake, and Northeast Oregon Districts) will develop and maintain one Type 1 investigator per district (note: these Type 1 investigators count toward each area’s Type 1 investigator goals)
 - d. Two Type 1 investigators/case managers (for duties, see Attachment A) will be assigned one each SOA and EOA, working under the direction of Salem headquarters – these individuals will be full-time investigators
 - Maintain district/area investigator goals and utilize contractors as needed under the direction of Salem headquarters to provide fire investigation and case management (“Agency employees and contractors option”):
 - a. Each district will develop and maintain two (or more) Type 2 investigators
 - b. Each area will develop and maintain two (or more) qualified Type 1 investigators
 - c. The “Big Four” districts will develop and maintain one Type 1 investigator per district (again, these investigators count toward each area’s Type 1 investigator goals)
 - d. Contractors – qualified Type 1 investigators⁶ – will be assigned under the direction of Salem headquarters to provide Type 1 fire investigation and case management leadership
 - Maintain district/area investigator goals and utilize forest landowners working with Salem headquarters to provide fire investigation and case management leadership (“Agency employees and landowner option”):
 - a. Each district will develop and maintain two (or more) Type 2 investigators
 - b. Each area will develop and maintain two (or more) qualified Type 1 investigators
 - c. The “Big Four” districts will develop and maintain one Type 1 investigator per district (these investigators count toward each area’s Type 1 investigator goals)
 - d. Forest landowner community will provide resources and leadership to provide contractors, qualified Type 1 investigators, that will be assigned under the direction of Salem headquarters to provide Type 1 fire investigation and case management

⁶ Contract investigators that both meet National standards for training and experience as a Type 1 investigator, and will qualify as an expert: a person with sufficient knowledge, skill, or experience in a particular profession that allows them to draw inferences and form conclusions that an average lay-person could not.

leadership. The landowner community will lead the fire prevention education effort, working with KOG and other forest landowners and forest operators

- **Improve training and certification**
No additional alternatives were identified
- **Secure needed tools and technology**
No additional alternatives were identified
- **Investigator development and retention incentive options**
 - Relieve employees of their daily workload responsibilities when assigned to Type 1 investigations in order to expeditiously complete the investigation report
This would eliminate the conflict between daily workload demands and fire investigation cases for key Type 1 investigators.
 - Provide pay incentives (special duty compensation) when assigned to large, complex fire investigations
- **Consider funding options (district, ODF, OFLPP, others)**
 - Dedicate a percent of recovered funds (10 %?) – would require Legislative change
 - Homeland Security/FEMA funds:
 - a. Disaster Assistance
 - b. FEMA % cost recovery
 - Other agency funding possibilities:
 - c. Fire Marshal, OR State Police (investigations), others?
 - Landowner special assessment
- **Agency policy, guidance, and compliance**
No additional alternatives were identified
- **Case management:**
No additional alternatives were identified
- **Explore Legislative needs-revisions**
 - Seek statutory authority to bill fire investigation and cost collection costs to responsible parties
 - Seek authority to bill for investigation costs on strict liability fires
 - Remove authority to bill for attorney fees from ORS 477.068

Attachment A

Legal Requirements/Policy/Definitions

Legal Requirements:

477.068 Liability for cost of abatement; interest; lien; foreclosure; attorney fees.

(1) In case an owner or operator fails to perform the duty required by ORS 477.066, or is willful, malicious or negligent in the origin or subsequent spread of the fire, the actual cost incurred by the forester or a forest protective association or agency in controlling or extinguishing the fire shall be paid by the owner or operator within 90 days after the date on which the first written demand for payment of the actual cost is mailed by the State Forester to the owner or operator. If the actual cost is not paid within such 90-day period, such amount shall bear interest at 10 percent per year from the date on which the first written demand for the payment of the actual costs was mailed by the State Forester and the actual cost together with such interest may be recovered from such owner or operator by an action prosecuted in the name of the State of Oregon, or such forest protective association or agency, or both.

(5) In any action under subsection (1) of this section to recover actual cost and in any proceeding to foreclose any lien created by subsection (3) of this section, the court shall award, in addition to costs and disbursements, reasonable attorney fees at trial and on appeal to the prevailing party. [Formerly 477.038; 1955 c.218 §1; 1959 c.363 §6; 1961 c.603 §8; 1965 c.253 §53; 1965 c.428 §§11,12; 1973 c.66 §1; 1981 c.897 §54; 1983 c.22 §3; 1983 c.27 §1; 1997 c.206 §1]

477.085 Liability for cost of protecting land within a forest protection district. *Any person who willfully or negligently sets a fire or causes a fire to be set for which efforts to control or extinguish the fire in order to protect forestland within a forest protection district from fire are exerted by the forester or any forest protective association or agency under contract or agreement with the State Board of Forestry is liable for the actual costs incurred by the forester, association or agency in such efforts. The costs shall be recovered from the person liable therefore in the same manner as costs recovered under ORS 477.068. [1965 c.428 §7; 1967 c.429 §2; 1997 c.274 §3a; 1999 c.355 §4]*

477.365 Duties and powers of wardens. *(1) Under instructions from the forester as to their exercise of state authority, all wardens shall:*

(f) Investigate the causes of fires and may secure a fire origin area, at any time, for the purpose of preserving evidence and conducting an investigation pertinent to this chapter and control, restrict or prohibit access by any unauthorized person so long as is reasonably necessary in the judgment of the warden.

(2) The forester, or any warden coming under the jurisdiction of the forester, may administer oaths in investigations of violations of this chapter and the preparation of reports thereon. [Formerly 477.012; 1971 c.743 §388; 1993 c.697 §4; 1997 c.274 §9; 2003 c.14 §316]

Policy

Cost Recovery Directive 1-1-3-2

POLICY:

The Oregon Department of Forestry will recover suppression costs of wildland fires consistent with Oregon Forest Laws, Board of Forestry policy and fire protection agreements.

The Department will maintain a review process for agency decisions concerning fire cost recovery that includes the district involved, Fire Protection Staff, Executive Staff and the Emergency Fire Cost Committee (EFCC).

The Department will administer a standard billing and demand process for fire cost recovery that is consistent with the authorities and responsibilities under ORS Chapter 477 and other chapters of Oregon law, the most current guidance of legal counsel, Department policy and administrative procedures.

No employee or representative of the Department will engage in activities that creates a conflict of interest in the cost recovery process.

The Department will investigate all fires and collect all suppression costs allowable by law. Investigations will be conducted in a professional manner and provide for full disclosure of facts related to causation, responsible party and liability issues.

Directive 1-1-3-101:

POLICY:

The Department of Forestry will investigate all wildland fires on or threatening its protected lands to determine cause, responsible party and other information pertinent to the needs of the Department. The responsible party will be identified for all human caused fires within the scope of investigation policy and procedure. The Department will cooperate with other fire protection and law enforcement agencies to the fullest extent possible.

Definitions

Directive 1-1-3-101:

Investigation Typing:

Type 3 Investigation (fire suppression costs are less than \$5,000):

1. Incidents that are relatively small in size or scope, i.e. extent of damages and cost of suppression.
 2. Losses and liability are subject to small claims court actions with no tort actions against the State expected.
 3. There are no deaths involved and personal injuries are very minor.
- Type 2 Investigation (fire suppression costs are between \$5,000 and \$100,000):
 1. Incidents, regardless of size or scope, that have recognizable damages, losses, liabilities or potential tort actions that would be subject to court actions beyond small claims.
 2. No critical injuries or deaths are involved.
 - Type 1 Investigation (fire suppression costs are more than \$100,000):
 1. Incidents that have significant elements of damages, losses, liabilities or potential tort actions that would be subject to litigation.
 2. Major injuries or deaths may be involved. Generally any litigation risks would be significant.
 3. Major evidence and burden of proof requirements, significant cost recoveries, most arson fires, all critical incidents or task force operations.

Investigator Typing:

- Type 3 Investigator:
 1. Entry level, certified investigator, primarily responsible for fire cause determination on Type 3 investigations.
 2. Works independently during initial attack or under the supervision of a higher class investigator on more complex investigations.
 3. May work at higher levels, in training status, with proper approvals and supervision.
- Type 2 Investigator:
 1. Primary district level certified investigator responsible for cause determination and case development for cost recovery on Type 2 and 3 investigations.
 2. Supervises, trains, and evaluates subordinate investigators and provides assistance to higher level investigators on complex cost recoveries, arson task force assignments and special investigations.

3. Works independently on district level investigations with supervisor and District Forester approval.
 4. May work at higher levels, in training status, with proper approvals and supervision.
- Type 1 Investigator:
 1. Statewide level certified investigator available to work independently, as part of a team or lead investigator, on any Type 1, 2, or 3 investigations.
 2. Supervises, trains, and evaluates subordinate investigators and works statewide investigations with supervisor, District Forester, and Fire Protection Staff approval.

Attachment B

Type 1 Investigator/Case Manager Duties

Duties of a full-time Type 1 fire investigator/case manager include:

Fire Investigation/Cost Recovery

- Provides technical expertise to units and Districts in fire investigation and cost collection.
- Provides guidance on how to proceed with fire investigations and cost collection cases that are all considered unique occurrences and processed according to the facts determined for each case.
- As directed, serve on or lead wildfire investigative task forces or teams. Coordinate area and district wildfire investigation actions with Salem staff, and other state and federal agencies
- Completes fire investigation, including initial causal determination, responsible parties, witness statements, fire investigation reports and documentation.
- Develop, monitor, and provide expert technical assistance on high value cost collection case/investigations including, testifying for and working with the Department of Justice and law enforcement agencies.
- Review and evaluate the work products of agency wildfire investigators in the field units, for adequacy and compliance with agency requirements, and recommend corrective actions or changes needed.

Program Operation and Project Management

- Assists Area directors and district foresters in developing and carrying out short and long range goals/objectives for the specific operational needs of the Fire program related to fire investigations.
- Coordinates investigation activities with Salem staff, other state agencies, community leaders and representatives, Federal agencies, program staff, and the Department of Justice
- Interpret and evaluate field investigation reports to determine potential effects and risks of various possible legal courses of action.
- Acts as a local liaison between ODF and other agencies in planning and implementing of fire investigations and cost collection cases.
- Provides reports, feedback and recommendations to Program Staff and Area managers regarding on-going fire investigations and cost collection cases.
- Review statewide fire trends and track arson cases to make recommendation to Program staff and area managers for policy development and implementation.

Training

- Serves as the field coordinator for development and implementation of fire investigation training in conjunction with Program Staff.
- Assists with curriculum development and conducts formal or informal training sessions, technical workshops for staff and other fire organizations or agencies.
- Provides on the job training for department employees looking to further their experience in fire investigation.

Attachment C

Training and Experience Requirements for Investigators

Following is an excerpt from Directive 1-1-3-101:

Department mandates the following training and experience requirements for employees involved in investigation. District Foresters or Program Directors may authorize employees to perform at higher levels, for training experience, with proper supervision.

3. Training and Experience Requirements for Investigators (Cont.)

In addition, all certified Investigators will be identified using the following titles.

- (1) Title: Investigator Trainee
 - Required Training: Basic Forest Law Training
 - Experience: Employed with Department.
 - Currency: Maintain employment, recommendation of supervisor.
- (2) Title: Type 3 Investigator
 - Required Training: Basic Forest Law Training
Basic Fire Investigation (8 hours)
 - Experience: One full season in fire suppression.
 - Proficiency: Pass the standard Department proficiency test for this classification.
 - Currency: Maintain employment, recommendation of supervisor, approval of District Forester or Program Director and successfully complete one Type 3 investigation every year.
- (3) Title: Type 2 Investigator
 - Required Training: Fire Warden Class A
Intermediate Fire Cause Determination (40 hours)
Intermediate Fire Behavior (40 hours)
 - Experience: One or more years satisfactory performance as Type 3 Investigator
 - Proficiency: Pass the standard Department proficiency test for this classification.
 - Currency: Maintain employment, recommendation of supervisor, approval of District Forester or Program Director, complete 24 hrs of related training and education every three years and successfully complete one Type 2 investigation every three years.
- (4) Title: Type 1 Investigator
 - Required Training: Type 2 Qualified
Accredited Advanced Fire Investigation Training (80 hrs)
 - Experience: Three full years satisfactory performance as Type 2 Investigator
 - Proficiency: Pass the standard Department proficiency test for this classification.
 - Currency: Maintain employment, recommendation of District Forester or Program Director, approval of Area Director, complete 40 hrs of related training and education every five years and successfully complete one Type 1 investigation every five years.

Attachment D

Fire Cost Collection Claim Status

Greater than \$100,000 in Suppression Costs

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
SWO	Burnt Peak	2009	\$625,000	Final Release Signed, Check Sent		
COD	McGinnis	2009	\$300,000	Final Release, Check Sent		
SWO	Wasson	2005	\$2,500,000	Demand	Negotiation/Litigation Insurance Co. does want to try and settle We will file suit if not resolved by 02/03/12	Insurance Coverage
KL	Kago	2004	\$165,139.51	Sent to Department of Revenue for Collection		
SW	Boswell	2008	\$116,840.84	Bankruptcy-Ch. 13; Active payments		
Subtotal			\$3,706,980.35			

Fire Investigations in progress

District	Fire	Year	Fire Costs	Status	Investigator	Next Steps	Needs
SWO	27558 Redwood Hwy	2004	\$375K	Final Review	Miller/Roberts	Review/Demand	
SWO	Deer Creek	2005	\$4.35M	Final Review	Miller/Roberts	Review/Demand	
SWO	Lone Mt	2009	\$193K	Depositions	Miller	Draft Report	
COD	Microwave	2009	\$2.13M	Documents/Depositions	Thiesies/Miller	Follow-up and forensic Analysis	
SWO	Siskiyou	2009	\$688K	Depositions	Miller	Follow-up	
NEO	Elephant Rock	2011	\$333K	Documents/Depositions	Townsend	Resolve Lawsuit by UEC	
SWO	Little Butte	2011	\$375K	Report Finalized	Miller	Determine Costs	Determine ODF/USFS Responsibility
Subtotal			\$8,444,000				

\$5,000 to \$99,999 in Suppression Costs

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
SCA	Paradise McBride	2004	\$66,900.69	Sent to Attorney General for Collection-Active payments		
COD	Beard Canyon	2008	\$41,945.76	Hold For a Variety of Reasons		
SW	Rogue River Hwy #2	1993	\$41,900.40	Sent to Attorney General for Collection-Active payments		
SCA	Potato Hike #2	2010	\$29,470.34	Hold For a Variety of Reasons		
FG	Hwy 30/Jones	2008	\$25,761.11	Hold For a Variety of Reasons		

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
	Road #1					
NE	Craig Loop	2003	\$21,841.19	Past Due on Payment Plan		
CS	New River	2010	\$21,450.85	Hold For a Variety of Reasons		
SW	Steinman	2005	\$21,435.29	Hold For a Variety of Reasons		
SW	Miller's Gulch	2000	\$20,311.08	Sent to Attorney General for Collection		
DG	Louis Creek #1	2000	\$19,842.44	Sent to Attorney General for Collection-Active payments		
SW	Wagon Trail	2007	\$14,718.14	Payment Plan		
WL	Horton Who	2008	\$14,035.63	Sent to Attorney General for Collection		
COD	Keeton Creek	2004	\$13,551.04	Hold For a Variety of Reasons		
SW	West Savage Creek 385	2008	\$13,506.05	Hold For a Variety of Reasons		
WO	1620 Road	1999	\$12,487.76	Sent to Attorney General for Collection-Mostly paid		
DG	Little Baldy	1999	\$11,626.64	Sent to Dept of Revenue for Collection		
NE	Lower Bench	2009	\$10,861.49	Hold For a Variety of Reasons		
NCA	Boundary	2009	\$10,376.11	Payment Plan		
DG	Navajo Drive	2001	\$9,412.26	Hold For a Variety of Reasons		
DG	Cow Creek	2004	\$9,357.85	Payment Plan		
WL	Indian Creek 12 Mile	2009	\$8,755.93	Hold For a Variety of Reasons		
SW	Lariat Drive	2008	\$8,384.86	Hold For a Variety of Reasons		
SCA	Overlook Rock	2005	\$8,018.29	Sent to Attorney General for Collection-Partially paid		
DG	Taft Lane	2002	\$7,892.94	Payment Plan		
KL	Zebra	2011	\$7,195.98	Hold For a Variety of Reasons		
DG	Johnnie Spring	1998	\$5,896.26	Sent to Attorney General for Collection-Active payments		
SW	Dellwood #2	2001	\$5,865.01	Sent to Attorney General for Collection		
SW	Watts Mine	2010	\$5,574.84	Payment Plan		
KL	Round Three	1997	\$5,311.58	Bankruptcy		
KL	Sierra Heights	2008	\$5,308.98	Sent to Attorney General for Collection		
Subtotal			\$498,996.79			

Less than \$5,000 in Suppression Costs

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
SCA	Island Inn	2002	\$5,000.00	Payment Plan		
DG	Berry Creek	2005	\$4,969.47	Payment Plan		
COD	Flowers Gulch	2007	\$4,516.31	Hold For a Variety of Reasons		
SW	Hoxie Creek	2005	\$4,508.61	Sent to Attorney General for Collection		
WO	Pit	2001	\$4,463.35	Possible Candidate for Small Claims Action		
SW	Shale City Road	2005	\$4,240.66	Sent to Attorney General for Collection		
COD	Marks Creek	2009	\$3,516.62	Hold For a Variety of Reasons		
SW	Beaver #2	2004	\$3,436.48	Sent to Attorney General for Collection		
SW	Daryl	2006	\$3,258.66	Hold For a Variety of Reasons		
DG	Navajo Road	2006	\$3,025.77	Hold For a Variety of Reasons		
COD	Fall Creek	1991	\$2,809.74	Sent to Attorney General for Collection-Active payments		
DG	Gardiner Street	2007	\$2,707.96	Possible Candidate for Small Claims Action		
SW	9800 Hwy 238	2001	\$2,696.14	Sent to Attorney General for Collection		
DG	Hill Creek	2007	\$2,471.78	District will Bill		
COD	Mayfield Road	2002	\$2,161.44	Sent to Attorney General for Collection		
AT	Fishermen's Beach	2002	\$2,111.89	Possible Candidate for Small Claims Action		
NCA	Creekside	2007	\$2,110.15	Sent to Attorney General for Collection		
DG	Aker Drive	2009	\$2,093.39	Payment Plan		
DG	Kent Creek	2003	\$2,011.06	Possible Candidate for Small Claims Action		
DG	6th Street Water Tower	2008	\$1,907.90	Alternative Dispute Resolution		
WL	Axe	2007	\$1,878.28	Bankruptcy		
DG	Sunberry	2001	\$1,684.78	Possible Candidate for Small Claims Action		
SCA	Meyers Road	2010	\$1,671.13	Hold For a Variety of Reasons		
DG	Buck Mountain	2004	\$1,611.28	Hold For a Variety of Reasons		
CS	Ferry Hole	2008	\$1,599.06	Payment Plan		
SW	Caves Camp 591	2008	\$1,556.46	Possible Candidate for Small Claims Action		
WO	Off Road Adventure	2006	\$1,498.17	Possible Candidate for Small Claims Action		
SCA	West Brush Creek 1	2010	\$1,442.91	District will Bill		
FG	Flying M Piles	2009	\$1,416.75	Payment Plan		
NCA	Mill	2002	\$1,412.28	Possible Candidate for		

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
				Small Claims Action		
DG	Lutsinger	2011	\$1,385.01	Billed-Payment Not Due Yet		
NE	Dutch Oven	2011	\$1,354.65	Billed-Payment Not Due Yet		
SCA	Mountain Home Switchback	2003	\$1,353.36	Possible Candidate for Small Claims Action		
SW	Crow Road	2008	\$1,305.89	Possible Candidate for Small Claims Action		
DG	Doerner Road	2006	\$1,300.01	Possible Candidate for Small Claims Action		
FG	Scofield Road Piles	2008	\$1,292.88	Hold For a Variety of Reasons		
WL	Indian Creek	2008	\$1,235.06	Possible Candidate for Small Claims Action		
KL	Airport	2010	\$1,201.17	Payment Plan		
SW	Pickett Creek Road 1269	2009	\$1,185.52	Possible Candidate for Small Claims Action		
COD	Rail Gulch	2007	\$1,178.24	Hold For a Variety of Reasons		
FG	Erratic Rock	2003	\$1,083.54	Possible Candidate for Small Claims Action		
COD	Whitetail	2011	\$1,050.41	Billed-Payment Not Due Yet		
FG	Tupper Pile	2006	\$1,025.10	Possible Candidate for Small Claims Action		
COD	Canyon Crest	2001	\$983.98	Possible Candidate for Small Claims Action		
WL	830 Swisshome Powerline	2003	\$931.51	Possible Candidate for Small Claims Action		
FG	Meadowlake Clearing	2006	\$905.25	Hold For a Variety of Reasons		
KL	Drabel	2006	\$898.92	Hold For a Variety of Reasons		
NCA	Promontory	2008	\$896.31	Possible Candidate for Small Claims Action		
SW	Wilderville Lane	2003	\$882.10	Possible Candidate for Small Claims Action		
SCA	Sodaville	2009	\$880.40	Possible Candidate for Small Claims Action		
CS	Homestead Way	2006	\$832.04	Possible Candidate for Small Claims Action		
KL	Tadpole	2004	\$798.04	Possible Candidate for Small Claims Action		
WL	East High Pass Road	2002	\$789.24	Possible Candidate for Small Claims Action		
COD	RC Camp	2008	\$787.74	Hold For a Variety of Reasons		
DG	Blossom Creek	2008	\$774.16	Possible Candidate for Small Claims Action		
DG	Upper Olalla	2010	\$750.07	Payment Plan		
SCA	Old Holley Road	2009	\$722.41	Possible Candidate for Small Claims Action		
NCA	Camp Adams	2003	\$701.58	Possible Candidate for Small Claims Action		

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
COD	Trout Creek Corral	2008	\$699.61	Hold For a Variety of Reasons		
NCA	Brokedown	2005	\$650.24	Possible Candidate for Small Claims Action		
WL	Wolf Creek Car Fire	2002	\$649.84	Possible Candidate for Small Claims Action		
NE	Thistlehead	2009	\$526.21	Possible Candidate for Small Claims Action		
SW	Holland Loop Road 4701	2011	\$523.57	Billed-Payment Not Due Yet		
SW	Conifer	2010	\$510.21	Final Notice		
KL	Ennis Creek	2007	\$486.67	Hold For a Variety of Reasons		
SW	262 Hasis	2004	\$485.28	Possible Candidate for Small Claims Action		
WL	Perkins Road	2003	\$475.88	Possible Candidate for Small Claims Action		
WL	Cougar Pass	2006	\$358.24	Possible Candidate for Small Claims Action		
SW	ANDERSON BUTTE #2	1985	\$354.88	Billed-Payment Not Due Yet		
SW	Sunny Glen Way 1261	2008	\$346.11	Payment Plan		
NCA	Warnock	2009	\$341.80	Hold For a Variety of Reasons		
FG	Ridge Road Car	2007	\$328.57	Possible Candidate for Small Claims Action		
NE	Dingell Ford	2008	\$325.09	Possible Candidate for Small Claims Action		
FG	Strassel CC	2008	\$304.75	Hold For a Variety of Reasons		
FG	Flett Road Truck	2010	\$295.69	Possible Candidate for Small Claims Action		
SCA	Berlin	2011	\$293.41	Billed-Payment Not Due Yet		
NCA	Marmot Road	2008	\$292.31	Hold For a Variety of Reasons		
NCA	Nowlens Bridge Pile	2007	\$284.84	Possible Candidate for Small Claims Action		
NCA	MP 28	2009	\$279.24	Possible Candidate for Small Claims Action		
NCA	Cox	2011	\$246.59	Billed-Payment Not Due Yet		
SCA	North River Drive	2010	\$240.85	Possible Candidate for Small Claims Action		
CS	Lakeshore Drive	2009	\$198.71	Hold For a Variety of Reasons		
NCA	El Briar	2008	\$196.72	Possible Candidate for Small Claims Action		
AT	Ridge View #016	2010	\$178.00	District will Bill		
NCA	Windy City	2009	\$172.43	Hold For a Variety of Reasons		
NCA	Garden	2009	\$155.96	Possible Candidate for Small Claims Action		
CS	Coal Bank Lane	2008	\$143.65	Possible Candidate for Small Claims Action		

District	Fire	Year	\$Claim	Status	Next Steps	Barriers
SCA	Weatherly Lane	2011	\$143.49	Hold For a Variety of Reasons		
WO	Rickreall Gorge	2010	\$135.89	Hold For a Variety of Reasons		
SW	Robertson Bridge Road	2006	\$130.22	Hold For a Variety of Reasons		
FG	Dead Snake	2006	\$125.66	Possible Candidate for Small Claims Action		
SW	2929 E. Antelope Rd	2011	\$121.70	Billed-Payment Not Due Yet		
CS	North Way	2011	\$108.81	Billed-Payment Not Due Yet		
SW	Rockydale 4911	2011	\$107.09	Billed-Payment Not Due Yet		
DG	Woods Creek #2	2004	\$106.76	Possible Candidate for Small Claims Action		
NCA	Spencer's Hole	2006	\$94.80	Hold For a Variety of Reasons		
COD	Angel Gulch	2009	\$69.35	Hold For a Variety of Reasons		
SW	Demaray Dr 2910	2011	\$57.57	Billed-Payment Not Due Yet		
Subtotal			\$119,819.76			
Grand Total			\$12,769,796.90			

Budget Narrative

Department of Forestry

Agency Administration

Fiscal Impact

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Forestry, Dept of
Pkg: 482 - Information Technology Support Capacity

Cross Reference Name: Agency Administration
Cross Reference Number: 62900-008-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Personal Services							
Class/Unclass Sal. and Per Diem	-	-	429,864	-	-	-	429,864
Empl. Rel. Bd. Assessments	-	-	160	-	-	-	160
Public Employees' Retire Cont	-	-	89,370	-	-	-	89,370
Social Security Taxes	-	-	32,886	-	-	-	32,886
Worker's Comp. Assess. (WCD)	-	-	236	-	-	-	236
Mass Transit Tax	-	-	2,579	-	-	-	2,579
Flexible Benefits	-	-	122,112	-	-	-	122,112
Reconciliation Adjustment	-	-	(331)	-	-	-	(331)
Total Personal Services	-	-	\$676,876	-	-	-	\$676,876
Services & Supplies							
Out of State Travel	-	-	5,000	-	-	-	5,000
Employee Training	-	-	15,000	-	-	-	15,000
Office Expenses	-	-	5,000	-	-	-	5,000
Telecommunications	-	-	10,000	-	-	-	10,000
IT Professional Services	-	-	30,000	-	-	-	30,000
Agency Program Related S and S	-	-	4,000	-	-	-	4,000
IT Expendable Property	-	-	35,042	-	-	-	35,042
Total Services & Supplies	-	-	\$104,042	-	-	-	\$104,042
Capital Outlay							
Office Furniture and Fixtures	-	-	16,000	-	-	-	16,000
Total Capital Outlay	-	-	\$16,000	-	-	-	\$16,000

___ Agency Request
2013-15 Biennium

___ Governor's Budget
Page _____

___ Legislatively Adopted
Essential and Policy Package Fiscal Impact Summary - BPR013

___ Agency Request

 X Governor's Balanced

___ Legislatively Adopted

Budget Page H-63
107BF02

Attachment 2

Senator Chris Edwards, Co-Chair
 Representative Ben Unger, Co-Chair
 Joint Ways and Means Subcommittee on Natural Resources
 RE: Response to Questions from the Subcommittee
 April 26, 2013
 Page 21

Budget Narrative

Department of Forestry

Agency Administration

Fiscal Impact

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Forestry, Dept of
Pkg: 482 - Information Technology Support Capacity

Cross Reference Name: Agency Administration
Cross Reference Number: 62900-008-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures	-	-	796,918	-	-	-	796,918
Total Expenditures	-	-	\$796,918	-	-	-	\$796,918
Ending Balance							
Ending Balance	-	-	(796,918)	-	-	-	(796,918)
Total Ending Balance	-	-	(\$796,918)	-	-	-	(\$796,918)
Total Positions							
Total Positions							4
Total Positions	-	-	-	-	-	-	4
Total FTE							
Total FTE							4.00
Total FTE	-	-	-	-	-	-	4.00

___ Agency Request
2013-15 Biennium

___ Governor's Budget
Page _____

___ Legislatively Adopted
Essential and Policy Package Fiscal Impact Summary - BPR013

___ Agency Request

 X Governor's Balanced

___ Legislatively Adopted

Budget Page H-64
107BF02

Senator Chris Edwards, Co-Chair
 Representative Ben Unger, Co-Chair
 Joint Ways and Means Subcommittee on Natural Resources
 RE: Response to Questions from the Subcommittee
 April 26, 2013
 Page 22

Budget Narrative

Department of Forestry

Agency Administration

**Enhancement Package 482
Fiscal Impact**

01/26/13 REPORT NO.: DDDDFISCAL DEPT. OF ADMIN. SVCS. -- PDPR FISC SYSTEM PAGE
 REPORT: PACKAGE FISCAL IMPACT REPORT 2013-15 PROD FILE
 AGENCY: 0000 DEPT OF FORESTRY DYS SVCSM. BUDGET DDDDDADATION
 SUMMARY YRRP-00R-00-00 Agency Administration PACKAGE: 482 - Information Technology Support

POSITION NUMBER	CLASS COMP	CLASS NAME	POS CNT	FTE	MOS	STEP	RATE	GF SAL/OPE	OF SAL/OPE	PF SAL/OPE	LF SAL/OPE	AF SAL/OPE
0005392	OA	C1486 IA INFO SYSTEMS SPECIALIST 6	1	1.00	24.00	02	4,551.00		109,224 61,691			109,224 61,691
0005393	OA	C1400 IA INFO SYSTEMS SPECIALIST 6	1	1.00	24.00	02	4,551.00		109,224 61,691			109,224 61,691
0005394	OA	C1486 IA INFO SYSTEMS SPECIALIST 6	1	1.00	24.00	02	4,551.00		109,224 61,691			109,224 61,691
0005395	OA	C1485 IA INFO SYSTEMS SPECIALIST 5	1	1.00	24.00	02	4,258.00		102,192 59,691			102,192 59,691
TOTAL FICS SALARY									429,664			429,664
TOTAL FICS OPE									244,764			244,764
TOTAL FICS PERSONAL SERVICES -			4	4.00	26.00				674,620			674,620

Senator Chris Edwards, Co-Chair
 Representative Ben Unger, Co-Chair
 Joint Ways and Means Subcommittee on Natural Resources
 RE: Response to Questions from the Subcommittee
 April 26, 2013
 Page 23

Agency Request
 Governor's Balanced
 Legislatively Adopted
 Budget Page H-65
 107BF02