

## SECTION-BY-SECTION BILL SUMMARY

### **ELECTRIC SYSTEM PLANS** (Sections 1-6)

- Requires the Public Utilities Commission (PUC) to periodically convene workshops for electric utilities and system operators to share information related to wildfire best practices, to adopt risk reduction standards by rule, and to evaluate and approve investor-owned utility plans that meet specified requirements.
- Requires investor-owned utilities to create, and operate in compliance with, a PUC-approved wildfire protection plan. First plan must be submitted by December 31, 2021.
- Requires consumer-owned utilities to create, and operate in compliance with, a governing body-approved wildfire mitigation plan. First plan must be submitted by June 30, 2022.

### **STATEWIDE MAP OF WILDFIRE RISK** (Section 7)

- Requires the Oregon Department of Forestry (ODF) to develop and maintain a comprehensive statewide map of wildfire risk that includes wildland urban interface boundaries and fire risk classes by June 30, 2022.
- Requires ODF to collaborate with Oregon State University, the State Fire Marshal, other state agencies, local governments, Indian tribes, other public bodies, and other information sources to create the map.
- Requires the map be made publicly accessible and requires ODF to provide technical assistance to state and local governments to use the map and associated Oregon Explorer Wildfire Risk Portal platform.
- Requires the final map be used to inform policy actions and programs as detailed in the Act.

### **DEFENSIBLE SPACE** (Sections 8-10)

- Requires the State Fire Marshal to establish minimum defensible space requirements for wildfire risk reduction on lands identified as wildland urban interface on the statewide map by December 31, 2022.
- Requires the State Fire Marshal to select standards from the International Wildland-Urban Interface Code (2020 ed.) framework and to consult with the Oregon Fire Code Advisory Board in establishing Oregon-specific requirements. Allows local governments to adopt more stringent defensible space requirements,
- Authorizes either the State Fire Marshal or a local government to administer and enforce the minimum defensible space requirements, and allows the State Fire Marshal to provide financial, administrative, technical, or other assistance to local governments for administration and enforcement.
- Directs the State Fire Marshal to administer a community risk reduction program that emphasizes wildfire risk education and prevention methods, defensible space enforcement, response planning, and community preparedness for wildfire. Establishes the Community Risk Reduction Fund to carry out the program.

### **LAND USE** (Section 11)

- Requires the Department of Land Conservation and Development, in consultation with specified state agencies and local governments, to identify and recommend needed updates to the statewide land use planning program, local comprehensive plans, and zoning codes to incorporate the wildfire risk map and to minimize wildfire risk, in a report to the Legislative Assembly by October 1, 2022.

### **BUILDING CODES** (Section 12)

- Requires the Department of Consumer and Business Services (DCBS) to submit a report to the Legislative Assembly by December 31, 2022 regarding the number and general location of dwellings that have been built to R327 standards since the 2019 implementation of those standards.
- Requires DCBS to adopt R327 wildfire hazard mitigation building code standards for new construction in high wildfire risk classes, operative December 31, 2022.

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**HEALTH SYSTEMS FOR SMOKE (Sections 13-15)**

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- Requires the Department of Environmental Quality (DEQ) to establish a program to support communities in developing and implementing response plans to mitigate public health impacts of smoke.
- Requires DEQ to establish an air quality monitoring program to support communities in monitoring, interpreting, and communicating air quality data.
- Requires the Oregon Health Authority (OHA), in consultation and coordination with specified state agencies and local governments, to establish and implement a clean air shelter grant program.
- Requires OHA to establish a smoke filtration system grant program to increase the availability of smoke filtration systems among persons vulnerable to the health effects of smoke who reside in areas susceptible to wildfire smoke.

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**EMERGENCY RESPONSE & DISASTER RECOVERY (Sections 16-17)**

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- Adds 'wildfire' to state definition of 'emergency.'
- Requires the Office of Emergency Management (OEM) to update its statewide emergency plan to prepare for or respond to wildfire emergencies on an area-wide or statewide basis.
- Requires OEM to coordinate with cities, counties, and other specified entities to ensure local efforts align with the statewide plan, and to provide training and community education.

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**DEPARTMENT WILDFIRE RISK REDUCTION PROGRAM (Sections 18-20)**

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- Requires the Oregon Department of Forestry (ODF) to design and implement a treatment program to reduce wildfire risk on public or private forestlands and rangelands, and in communities near homes and critical infrastructure, through restoration of landscape resiliency and reduction of hazardous fuels.
- Requires ODF to consult and cooperate with Oregon State University Extension, state and federal agencies, counties, cities, other units of local government, Indian tribes, public and private forestland and rangeland owners, forest collaboratives, and other relevant community organizations to select projects for treatment.
- Establishes criteria for project selection and design.
- Prohibits commercial thinning on specified protected lands.
- Requires ODF to report regarding the status of the program development and implementation by January 15, 2022, and again upon completion of projects by June 30, 2023.

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**OREGON WILDFIRE WORKFORCE CORPS (Sections 21-23)**

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- Establishes an Oregon Wildfire Workforce Corps Program to reduce wildfire risk to communities and critical infrastructure, to help create fire-adapted communities, and to engage youth and young adults in workforce training.
- Establishes the Oregon Wildfire Workforce Advisory Committee within the Higher Education Coordinating Commission to administer the program grant process and to engage private sector funding.
- Directs the Advisory Committee to consult with ODF to ensure the grant process awards funds to proposals that protect at-risk communities and infrastructure within the WUI and meet ODF fuel treatment standards. Establishes additional grant process requirements and priorities.
- Establishes the Oregon Wildfire Workforce Corps Fund to be used primarily for program grants.

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**SMALL WOODLAND GRANT PROGRAM (Section 24)**

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- Directs the Oregon Department of Forestry (ODF) to establish a small woodland grant program for the purpose of providing grants, on a competitive basis, to support small woodland owners of one to 160 acres in reducing wildfire risk through the restoration of landscape resiliency and reduction of hazardous fuels on their property. Requires ODF to set criteria for assessing grant applications and awarding grants.
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**PRESCRIBED FIRE (Sections 25-27)**

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- Requires the Oregon Department of Forestry (ODF) to establish by rule a Certified Burn Manager Program. Requires ODF to consult with the Oregon Prescribed Fire Council concerning best practices for conducting the program, initiate rulemaking to establish the program, and provide a progress report to the Legislative Assembly by December 1, 2021.
- Allows a person to conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit, complies with its conditions, and obtains consent from relevant landowners. Requires related ODF rulemaking to be completed by November 30, 2022.

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**PROTECTED AREAS (Sections 28-29)**

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- Requires the State Forester in collaboration with the State Fire Marshal, state agencies, and local governments, to adopt rules establishing baseline levels of wildfire protection, that reflect regional conditions, for lands outside of forest protection districts that are susceptible to wildfire.
- Authorizes the State Forester to provide financial assistance to counties to assist landowners with forming or modifying wildfire protection jurisdictions to ensure adequate protection, and to develop wildfire protection facilities, equipment, training, and other resources.
- Requires counties to ensure all applicable lands within the county have baseline level or higher wildfire protection by January 1, 2026.

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**WILDFIRE RESPONSE CAPACITY (Section 30)**

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- Requires the Oregon Department of Forestry to consult and coordinate with the State Fire Marshal, other state and federal agencies, local fire defense board chiefs, and private stakeholders, to determine the adequacy of state, federal, and private wildfire response capacity, and adequacy of available mutual aid to provide wildfire response on WUI lands.

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**WILDLAND URBAN INTERFACE (WUI) FIRE PROTECTION (Sections 31-34)**

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- Establishes the definition of the 'wildland urban interface' (WUI) as an area in which humans or human development meets or intermixes with wildland fuels.
- Requires the Board of Forestry to establish criteria by which the WUI shall be identified and classified, and to establish three to five WUI risk classes to be integrated into the statewide map of wildfire risk.
- Repeals and harmonizes existing statutes to ensure consistency with new processes for WUI designation.

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**STATE WILDFIRE PROGRAMS DIRECTOR (Sections 35)**

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- Establishes a State Wildfire Programs Director to oversee implementation of this Act, including ensuring program coordination and compliance with deadlines, assessing financial impacts, supervising staffing of the Wildfire Programs Advisory Council, reporting regularly to the Governor and legislature, and exploring opportunities to further reduce wildfire risk in Oregon.

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**WILDFIRE PROGRAMS ADVISORY COUNCIL (Sections 36-39)**

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- Establishes a Wildfire Programs Advisory Council to advise and assist the Director by closely monitoring implementation of this Act, providing advice on ways to modify programs to further reduce wildfire risk and ensure regional applications are appropriate, developing strategies to ensure promotion of the programs and buy-in from regions and communities, and making specific recommendations related to needed updates to the statewide land use planning program and local comprehensive plans and zoning codes.
- Requires the Department of Consumer and Business Services, the Department of Land Conservation and Development, the Office of the State Fire Marshal, and Oregon Department of Forestry to cooperatively staff the Council. Requires Council to submit annual reports beginning December 2022.

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**APPROPRIATIONS (Section 44)**

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- Appropriates \$150 million from the General Fund for all duties and programs required by the Act.
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**STAKEHOLDER ENGAGEMENT  
IN STATEWIDE MAP OF WILDFIRE RISK AND MAPPING APPLICATIONS**

The following information has been provided by state agencies regarding their stakeholder engagement processes.

<b>STATEWIDE MAP OF WILDFIRE RISK</b>		
<p>The Oregon Department of Forestry (ODF) would utilize the administrative rulemaking process, including engagement of several existing groups, to ensure robust local and regional input into the mapping of wildfire risk:</p> <ul style="list-style-type: none"> <li>▪ The rulemaking advisory committee established to finalize the wildland urban interface (WUI) definition, fire risk criteria and classes, and the comprehensive statewide map, would consist of individuals from existing groups and other agency contributors:                             <ul style="list-style-type: none"> <li>▪ Using the Quantitative Risk Assessment (QRA) as the scientific base for the display of wildfire risk, ODF would engage OSU Extension's regional wildfire advisory groups.</li> <li>▪ ODF would engage local Committee Wildfire Protection Plan development groups. Members of such groups include county, city, and state agency personnel that are the local “boots on ground” that provide a ground truthing element to validate the QRA (Oregon Administrative Rules governing the map would ultimately guide the process of integrating regional wildfire risk changes, as CWPPs are continually locally revised).</li> <li>▪ Additional agency contributors and interested parties would be invited to join the committee.</li> </ul> </li> <li>▪ The Board of Forestry would hold several public meetings throughout the process.</li> <li>▪ Public hearings would be held on the proposed rules as required by the Secretary of State, providing additional avenues for integration of local and public input.</li> </ul>		
<b>DEFENSIBLE SPACE</b>	<b>BUILDING CODES</b>	<b>LAND USE</b>
<p>To develop and implement minimum defensible space standards, the Office of State Fire Marshal would:</p> <ul style="list-style-type: none"> <li>▪ utilize the Oregon Fire Code Advisory Board (Board) and its subcommittee, the Oregon Fire Code Committee (Committee) to develop and adopt code in an inclusive, open, and transparent process. The 7-member Board is made up of representatives from the Oregon Fire Chiefs Association, Oregon Fire Marshals Association, Oregon Building Codes Division,</li> </ul>	<p>To implement the adoption of R327 wildfire hazard mitigation building code standards for new construction in high wildfire risk classes, the Building Codes Division would:</p> <ul style="list-style-type: none"> <li>▪ bring the provisions to the Residential and Manufactured Structures Board (Board) for a code adoption process:                             <ul style="list-style-type: none"> <li>▪ the Board would act as a Rulemaking Advisory Committee;</li> <li>▪ the Board would hear from the Building Codes Division and it would</li> </ul> </li> </ul>	<p>SB 762 outlines two phases of work to identify and recommend needed updates to the statewide land use planning program, local comprehensive plans, and zoning codes to incorporate the statewide map of wildfire risk:</p> <p>1) Department of Land Conservation and Development (DLCD) exercise to study and make recommendations by October 1, 2022; limits engagement primarily to state agencies and local governments.</p>

<p>business/industry, approved design professionals, and the public. The Committee is a volunteer group made up fire and life safety professionals, private-interest stakeholders, and industry professionals. Agencies, interest groups, and individuals are welcome to provide inputs to code adoption and updates at all points in the process:</p> <ul style="list-style-type: none"> <li>▪ The Committee acts as the initial vetting body during the code adoption process, providing technical input, code research, and soliciting stakeholder and public input.</li> <li>▪ The code is then recommended and presented to the Board for final approval or consideration.</li> <li>▪ If approved by the Board, the code is moved to the State Fire Marshal for final approval.</li> </ul>	<p>welcome feedback from members of the public;</p> <ul style="list-style-type: none"> <li>▪ Board approval would need to include cost findings that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.</li> <li>▪ engage in rulemaking to implement the code for the high-risk areas identified in the Act. The rulemaking process includes: <ul style="list-style-type: none"> <li>▪ notice to the public;</li> <li>▪ public comment at the rulemaking hearing, or in writing; and</li> <li>▪ implementation of permanent rules, which considers the findings of the Board, public testimony, and the statutory language passed in the bill.</li> </ul> </li> </ul>	<p>2) Wildfire Programs Advisory Council is an 18-member stakeholder group established by this 2021 Act. It is charged generally with oversight of Act implementation, and specifically with reviewing the DLCD land use report and making additional recommendations on land use applications for consideration in the 2023 legislative session.</p>
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**IMPLEMENTATION OVERSIGHT & ITERATIVE PROCESS**

The Wildfire Programs Advisory Council (Council) is a governor-appointed 18-member stakeholder group, established to advise and assist the State Wildfire Programs Director by:

- closely monitoring implementation of this Act, specifically including defensible space, building codes, and land use applications of the statewide map of wildfire risk;
- providing advice on ways to modify programs to further reduce wildfire risk and to ensure regional applications of defensible space, building codes, and land use are appropriate; and
- developing strategies to ensure promotion of the programs and buy-in from regions and communities.

The Council consists of 5 members appointed by the Governor with diverse geographic representation, 5 members appointed by the Association of Oregon Counties, 3 members appointed by the League of Cities, 2 members appointed by the Special Districts Association of Oregon, 2 members appointed by the Oregon Fire Chiefs Association, and 1 member appointed by the Oregon Fire District Directors Association.