

**HB 2722 A STAFF MEASURE SUMMARY****House Committee On Agriculture and Natural Resources****Action Date:** 04/13/21**Action:** Without recommendation as to passage, with amendments, and be referred to Ways and Means by prior reference. (Printed A-Eng.)**Vote:** 8-2-0-0**Yeas:** 8 - Breese-Iverson, Cate, Hudson, Post, Reardon, Smith DB, Williams, Witt**Nays:** 2 - Marsh, McLain**Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Prepared By:** Laura Kentnesse**Meeting Dates:** 3/23, 4/13**WHAT THE MEASURE DOES:**

Requires the **Public Utilities Commission (PUC)** to **periodically convene workshops** for public utilities, consumer-owned utilities (COUs), and electrical distribution system operators to share information related to wildfire best practices, and to adopt rules for wildfire risk reduction procedures and standards. Requires public utilities to have, and operate in compliance with, a regularly updated **risk-based wildfire protection plan** that has been evaluated and approved by the PUC in consultation with the Oregon Department of Forestry (ODF) and local emergency services agencies. Specifies minimum plan requirements, and requires the first plan to be submitted to the PUC by December 31, 2022. Requires COUs to have, and operate in compliance with, a regularly updated **risk-based wildfire mitigation plan** approved by the utility's governing body. Requires COUs to submit the first plan by December 31, 2023 and to submit a copy of the approved plan to the PUC. Allows **insurers** to adopt coverage provisions and underwriting standards to encourage certain property protection approaches, and authorizes the Department of Consumer and Business Services (DCBS) to work with the State Fire Marshal and insurers on those approaches. Requires the President of the Senate and the Speaker of the House of Representatives to organize and jointly appoint a 14-member **Land Use and Wildfire Policy Advisory Committee** (Committee), to be staffed by the Department of Land Conservation and Development. Establishes Committee membership and processes. Requires the Committee to determine whether updates to the **statewide land planning program** are needed in order to minimize wildfire risk, and to provide a report with recommendations to appropriate committees of the Legislative Assembly by December 31, 2022. Requires the Environmental Quality Commission to establish a program to detect and evaluate **wildfire smoke levels** for public health risk purposes, and to make public health risk information available to local public health authorities and the public. Requires the Oregon Health Authority (OHA) to establish free-of-charge **clean air shelters** within local communities, including provision and installation of filtration systems, in cooperation with local governments. Requires OHA to establish a grant program to increase the availability of **smoke filtration systems** in areas susceptible to wildfire smoke for persons vulnerable to the health effects of smoke. Authorizes OHA to issue grants to install smoke filtration systems in residential and commercial buildings, and buildings open to the public, and requires OHA to prioritize residential buildings occupied by lower income persons who are vulnerable to health effects of smoke. 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. Requires all counties to establish a seven-member **forestland-urban interface classification committee** pursuant to State Forester request for establishment. Revises committee membership and processes. Requires committees to establish **minimum defensible space standards** that include specified components for minimizing or mitigating wildfire risk within

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extreme hazard zones, and allows for committee minimum defensible space establishment in high hazard zones. Requires committee to produce **maps** of final standards, designations, and classifications, and to send those maps to Oregon State University for inclusion in a statewide wildfire risk map. Authorizes the State Forester to create defensible space standards for a county if the county committee fails to establish standards within specified timeframes. Requires the **State Board of Forestry** to establish by rule **minimum defensible space requirements** for extreme risk zones that are consistent with DCBS building code standards for structures within the forestland-urban interface and local government comprehensive plans and land use regulations, and by using data in the 2021 Oregon Explorer Map. Clarifies a **landowner is liable** for a maximum of \$10,000 only if they have willfully or recklessly failed to meet applicable minimum standards. Requires **additional costs of fire protection** identified by the State Forester in consultation with the State Fire Marshal be adopted by rule and ratified by the Legislative Assembly, and removes limitation for those additional costs to only be borne by landowners within a forestland-urban interface classification in a forest protection district. Requires DCBS to adopt **wildfire hazard mitigation building code standards** consistent with R327 standards for new residences on lots or parcels platted after passage of this Act in extreme hazard areas. Requires DCBS to consult with **Oregon State University (OSU)** to develop an **interactive tool** using data from the ODF 2021 Oregon Explorer Wildfire Risk Portal to identify when building code standards must be applied, and to be electronically available for statewide use at little or no expense to the public and local governments. Requires OSU, in consultation with ODF and the State Fire Marshal, to develop and maintain a publicly accessible **comprehensive statewide map of wildfire risk**. Establishes map requirements, and requires OSU to provide technical assistance to state and local government map users. Directs OSU to provide a progress report to an interim wildfire committee of the Legislative Assembly by December 31, 2021, and requires map completion by June 30, 2023. Requires ODF to carry out a **fuel reduction treatment program** on forestlands and rangelands that are in the four highest importance categories of the 2018 Pacific Northwest Quantitative Wildfire Risk Assessment, that are in nonfederal or private ownership, or on which treatment would provide substantial benefit to the state. Requires ODF to cooperate with federal agencies to increase effectiveness of **forest management activities on federal lands**. Modifies findings related to state and federal partnership. Adds rangeland management activities to State Forester authorities under **stewardship contract agreements**, and authorizes the State Board of Forestry to: identify an appropriate state agency to assist ODF in carrying out federal rangeland treatments, request treatment metrics and capacity needs from the State Forester to achieve federal forest management goals, and direct ODF to ensure federal land treatment is prioritized and expedited. Adds priorities under the **Good Neighbor Authority** for projects that reduce fuel loads and wildfire suppression costs. Allows a **small tract forestland owner** to submit a forest health restoration plan to the State Board of Forestry and requires the Board to review that plan. Asserts that Board approvals require the Board to certify to the county assessor that the forestland qualifies for a credit in the first property tax year beginning on or after the certification date. Specifies credit maximums. Establishes that it is the **policy of the state to maximize forestland and rangeland resiliency**, and requires the Board to adopt rules that maximize forest resiliency, including but not limited to the use of prescribed burns and commercial and noncommercial harvesting. Directs ODF to consult and coordinate with federal agencies, state agencies, and private stakeholders and to use the comprehensive statewide map of wildfire risk to determine **state and local resource needs for mitigating wildfire risk**. Declares emergency, effective on passage.

### ISSUES DISCUSSED:

- Urgency to mitigate future wildfires and wildfire impacts in Oregon
- Benefits of a bottom-up approach and local input in decision-making processes
- Actions and tools to reduce wildfire risk across landscapes and land ownerships
- History of 2019 Governor's Council on Wildfire Response and 2020 wildfire legislation
- Anticipated process to reconcile 2021 wildfire bills

### EFFECT OF AMENDMENT:

Replaces the measure.

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### BACKGROUND:

Oregon Governor Kate Brown created the Governor's Council on Wildfire Response by executive order in January of 2019. The Council was tasked with reviewing Oregon's current model for wildfire prevention, preparedness, and response, and analyzing whether the current model is sustainable given increasing wildfire risks. The Council met regularly for nine months and formed three active subcommittees that focused on mitigation, fire suppression, and adaptation and recovery. The product of the Council's extensive work was a final report that concluded that some or all of the current models are not sufficient to ensure Oregon is prepared for increasingly severe wildfire seasons. During the 2020 legislative session, the Governor advanced Senate Bill 1536 as the omnibus package that most comprehensively addressed the needs outlined in the final report of the Council, and additional wildfire concepts were proposed by various legislators and committees.

House Bill 2722 A would: require the Public Utilities Commission to periodically convene workshops on wildfire best practices; require electric utilities to create regularly updated wildfire plans; allow insurers to encourage certain property protection approaches; require the establishment of a Land Use and Wildfire Policy Advisory Committee to determine whether updates to the statewide land planning program are needed; require the Environmental Quality Commission to establish a program to detect and evaluate wildfire smoke levels; require the Oregon Health Authority to establish clean air shelters and a smoke filtration system grant program; add "wildfire" to state definition of "emergency;" require the Office of Emergency Management to update its statewide emergency plan to include wildfire and to coordinate with cities, counties, and others to ensure local efforts align with the statewide plan; require all counties to establish a forestland-urban interface classification committee to establish minimum defensible space standards for extreme hazard zones and to produce maps for inclusion in a statewide wildfire risk map; require the State Board of Forestry to establish by rule minimum defensible space requirements for extreme risk zones that are consistent with building code standards and local government comprehensive plans and land use regulations; reduce landowner liability to a maximum of \$10,000; require additional costs of fire protection be adopted by rule and ratified by the Legislative Assembly; require the Department of Consumer and Business Services to adopt wildfire hazard mitigation building code standards consistent with R327 standards for new residences in extreme hazard areas and to develop an interactive building code tool; require Oregon State University to develop and maintain a publicly accessible comprehensive statewide map of wildfire risk; require the Oregon Department of Forestry (ODF) to carry out a fuel reduction treatment program on forestlands and rangelands and to identify barriers to increasing treatments on private lands; direct ODF to maximize federal partnership opportunities for funding and forest management activities on federal lands; create a small tract forestland incentive; establish a state forestland and rangeland resiliency goal and require the Board of Forestry to adopt rules that maximize forest resiliency; and direct ODF to evaluate wildfire response capacity and develop funding proposals to meet workforce needs.