

A-Engrossed
House Bill 2722

Ordered by the House April 19
Including House Amendments dated April 19

Sponsored by Representatives WITT, SMITH DB; Representatives EVANS, LEIF (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Creates Land Use and Wildfire Policy Advisory Committee. Sunsets advisory committee July 1, 2022.]

[Requires State Forestry Department, Oregon State University and Department of Land Conservation and Development to conduct study of regional wildfire risk within state.]

[Requires departments and advisory committee to report to interim committee of Legislative Assembly no later than February 1, 2022, regarding possible means for implementing final recommendations produced by Governor's Council on Wildfire Response. Requires inclusion of regional wildfire risk information in report.]

[Authorizes assignment of council to assist state and local agencies and officials regarding implementation of wildfire risk reduction programs.]

[Requires council to report to Legislative Assembly no later than October 31, 2021, with detailed recommendations regarding sustainable financing model for funding comprehensive wildfire strategy.]

[Requires State Department of Energy to commission study of feasibility of using materials from wildfire fuel reduction projects for renewable energy generation. Requires appointment of advisory committee to assist with study. Requires study to be completed by January 15, 2022.]

[Appropriates moneys to Department of Land Conservation and Development, State Forestry Department, Oregon State University and State Department of Energy for 2021-2023 biennium to carry out Act.]

Directs Public Utility Commission to convene workshops on best practices regarding wildfires.

Requires public utility that provides electricity to have and operate in compliance with risk-based wildfire protection plan.

Requires consumer-owned utility to have and operate in compliance with risk-based wildfire mitigation plan.

Authorizes certain property insurance-related actions concerning protection of property from wildfire.

Mandates organization of Land Use and Wildfire Policy Advisory Committee. Requires committee to report to appropriate committees or interim committees of Senate and House of Representatives on or before December 31, 2022.

Directs Environmental Quality Commission to establish program related to wildfire smoke and evaluate public health risks. Authorizes commission to enter into agreements related to wildfire smoke and clean air shelters.

Directs Oregon Health Authority to cooperate with local governments to establish clean air shelters and to establish program to increase availability of smoke filtration systems.

Directs Office of Emergency Management to update statewide emergency plan and coordinate with cities, counties and certain entities to prepare for emergencies related to wildfire.

Changes certain requirements concerning composition of county forestland-urban interface classification committees. Requires committees to establish minimum defensible space standards for minimizing or mitigating wildfire risk within extreme hazard zones. Authorizes committees to establish minimum defensible space standards within high hazard zones. Requires committees to produce maps of standards and certain designations and classifications.

Establishes certain requirements concerning adoption of minimum defensible space standards by State Board of Forestry. Provides that certain owners of land may only be liable to State Forester for costs of suppressing fire if owner has willfully or recklessly failed to meet standards. Caps liability at \$10,000.

Provides that annual special or additional cost of fire protection for certain property owners must be adopted by rule and ratified by Legislative Assembly.

Directs Department of Consumer and Business Services to adopt wildfire hazard mitigation building code standards for certain new residences and to develop interactive tool.

Directs Oregon State University to develop and maintain statewide map of wildfire risk

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 and report on map to interim committee of Legislative Assembly on or before December 31,
2021.

2 Directs State Forestry Department to carry out program of fuel reduction treatments
3 on forestlands and rangelands, to carry out program that uses map of wildfire risk, to co-
4 operate with federal agencies, to design and implement program to reduce wildfire danger
5 on nonfederal or private forestlands and rangelands and to consult and coordinate with fed-
6 eral agencies, private stakeholders and other state agencies to determine adequacy of
7 wildfire response capacity.

8 Directs State Board of Forestry to undertake certain actions related to wildfire and to
9 adopt rules for maximizing forest and rangeland resiliency.

10 Provides that small tract forestland owner whose plan for restoring forest health is ap-
11 proved by State Board of Forestry may qualify for credit against specially assessed valuation
12 of forestland.

13 Declares emergency, effective on passage.

14 **A BILL FOR AN ACT**

15 Relating to wildfires; creating new provisions; amending ORS 401.025, 477.029, 477.031, 477.052,
16 477.057, 477.059, 477.060, 526.271, 526.274 and 526.275; and declaring an emergency.

17 **Be It Enacted by the People of the State of Oregon:**

18 **TRANSMISSION SYSTEM PLANS**

19 **SECTION 1.** Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter
20 757.

21 **SECTION 2.** The Public Utility Commission shall periodically convene workshops for the
22 purpose of helping public utilities, people's utility districts organized under ORS chapter 261
23 that sell electricity, electric cooperatives organized under ORS chapter 62 and operators of
24 electrical distribution systems to develop and share information for the identification,
25 adoption and carrying out of best practices regarding wildfires, including, but not limited to,
26 risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.

27 **SECTION 3.** (1) A public utility that provides electricity must have and operate in com-
28 pliance with a risk-based wildfire protection plan that is approved by the Public Utility
29 Commission and based on reasonable and prudent practices identified through the
30 commission's rulemaking. The public utility must design the plan in a manner that seeks to
31 protect public safety, reduce risk to utility customers and promote electrical system
32 resilience to wildfire damage.

33 (2) A public utility that provides electricity shall regularly update a risk-based wildfire
34 protection plan on a schedule determined by the commission. The plan must, at a minimum:

35 (a) Identify areas that are subject to a heightened risk of wildfire.

36 (b) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of
37 mitigation costs with the resulting reduction of wildfire risk.

38 (c) Identify preventive actions and programs that the public utility will carry out to
39 minimize the risk of utilities causing a wildfire.

40 (d) After seeking information from regional, state and local entities, including munici-
41 palities, identify a protocol for deenergizing power lines and adjusting power system oper-
42 ations to mitigate wildfires, promote the safety of the public and first responders and
43 preserve health and communication infrastructure.

44 (e) Describe the procedures, standards and time frames that the public utility will use
45 to inspect utility infrastructure in areas that the public utility identifies under paragraph (a)
of this subsection.

(f) Describe the procedures, standards and time frames that the public utility will use to

1 carry out vegetation management in areas that the public utility identifies under paragraph
2 (a) of this subsection.

3 (g) Identify the development, implementation and administration costs for the plan.

4 (h) Identify the community outreach and public awareness efforts that the public utility
5 will use before, during and after a wildfire season.

6 (3) To develop a plan required by subsection (1) of this section, a public utility may con-
7 sult with and consider information from regional, state and local entities, including munici-
8 palities.

9 (4) The commission, in consultation with the State Forestry Department and local
10 emergency services agencies, shall evaluate a risk-based wildfire protection plan that a public
11 utility submits under this section. The commission shall:

12 (a) Approve the submitted plan; or

13 (b) Disapprove the submitted plan and inform the public utility of the modifications nec-
14 essary to obtain approval.

15 (5) The commission shall adopt rules for the implementation of this section. The rules
16 may include, but need not be limited to, procedures and standards regarding vegetation
17 management, pole materials, circuitry and monitoring systems.

18 (6) Nothing in this section prohibits the recovery of costs deferred under ORS 757.259.

19 **SECTION 4.** (1) As used in this section, “consumer-owned utility” and “governing body”
20 have the meanings given those terms in ORS 757.600.

21 (2) A consumer-owned utility must have and operate in compliance with a risk-based
22 wildfire mitigation plan approved by the governing body of the utility. The plan must be de-
23 signed to protect public safety, reduce risk to utility customers and promote electrical sys-
24 tem resilience to wildfire damage.

25 (3) The consumer-owned utility shall regularly update the risk-based wildfire mitigation
26 plan on a schedule the governing body deems consistent with prudent utility practices.

27 (4) A consumer-owned utility shall conduct a wildfire risk assessment of utility facilities.
28 The utility shall review and revise the assessment on a schedule the governing body deems
29 consistent with prudent utility practices.

30 (5) A consumer-owned utility shall submit a copy of the risk-based wildfire mitigation
31 plan approved by the utility governing body to the Public Utility Commission to facilitate
32 commission functions regarding statewide wildfire mitigation planning and wildfire
33 preparedness.

34 **SECTION 5.** A public utility that provides electricity shall submit the first risk-based
35 wildfire protection plan required of the company under section 3 of this 2021 Act for Public
36 Utility Commission evaluation no later than December 31, 2022.

37 **SECTION 6.** A consumer-owned utility shall submit the first risk-based wildfire miti-
38 gation plan required under section 4 of this 2021 Act to the utility governing body no later
39 than December 31, 2023.

40 **SECTION 7.** The provisions of sections 2, 3 and 4 of this 2021 Act do not affect the terms
41 or conditions of easements held by an electric utility over private lands as of the effective
42 date of this 2021 Act.

43 **SECTION 8.** Sections 3 and 5 of this 2021 Act do not apply to municipal utilities organized
44 under ORS chapter 225.

45

INSURERS

SECTION 9. (1) Issuers of property insurance policies may adopt coverage provisions and underwriting standards to encourage property protection approaches that:

- (a) Harden structures against wildfire damage;
- (b) Provide for the establishment and maintenance of defensible spaces;
- (c) Create access for emergency vehicles responding to wildfire; or
- (d) Create wildfire evacuation routes.

(2) Issuers of property insurance policies may use maps and data developed by the State Forestry Department or the State Fire Marshal for the purpose of determining terms and conditions of the policies.

(3) The Department of Consumer and Business Services may work with the State Fire Marshal and issuers of property insurance policies to develop property protection approaches reflecting best practices for wildfire risk mitigation.

LAND USE PLANNING

SECTION 10. (1) The President of the Senate and the Speaker of the House of Representatives shall organize a Land Use and Wildfire Policy Advisory Committee. The committee shall consist of 14 members appointed as described in subsection (2) of this section.

(2) The President of the Senate and Speaker of the House of Representatives shall jointly appoint the following to be voting members of the committee:

(a) One member who is a representative of a city government whose city is wholly or partially within a designated forestland-urban interface, as defined in ORS 477.015.

(b) One member who is a representative of a county government.

(c) One member who is a city land use planning director of a city that is wholly or partially within a forestland-urban interface.

(d) One member who is a county land use planning director.

(e) One member who is a representative of a utility company.

(f) One member who is a representative of environmental interests.

(g) One member who is a representative of a rural fire protection district containing land that is wholly or partially within a forestland-urban interface.

(h) One member who is a representative of farming landowners.

(i) One member who is a representative of land and housing development firms.

(j) One member who is a representative of rural residential property owners.

(k) One member who is a representative of state or regional land use planning organizations.

(L) One member who is a representative of small forestland owners.

(m) One member who is a representative of large forestland owners.

(n) One member who is a representative of federally recognized Indian tribes.

(3) The President of the Senate and the Speaker of the House of Representatives shall make the joint appointments under subsection (2) of this section from nominations submitted by entities related to the represented interest or entities. The related entity for appointments:

- (a) Under subsection (2)(a) and (c) of this section is the League of Oregon Cities.

- 1 **(b) Under subsection (2)(b) and (d) of this section is the Association of Oregon Counties.**
2 **(c) Under subsection (2)(e) of this section is any one or more of the investor-owned util-**
3 **ities and consumer-owned utilities in this state.**
4 **(d) Under subsection (2)(f) of this section is the Oregon League of Conservation Voters.**
5 **(e) Under subsection (2)(g) of this section is the Special Districts Association of Oregon.**
6 **(f) Under subsection (2)(h) of this section is the Oregon Farm Bureau.**
7 **(g) Under subsection (2)(i) of this section is the Oregon Home Builders Association.**
8 **(h) Under subsection (2)(j) of this section is the Oregon Property Owners Association.**
9 **(i) Under subsection (2)(k) of this section is 1000 Friends of Oregon.**
10 **(j) Under subsection (2)(L) of this section is the Oregon Small Woodlands Association.**
11 **(k) Under subsection (2)(m) of this section is the Oregon Forest and Industries Council.**
12 **(L) Under subsection (2)(n) of this section is one or more of the tribal governing bodies**
13 **for Indian tribes in this state.**
14 **(4) In addition to the voting members described under subsection (2) of this section, the**
15 **following shall serve as nonvoting members of the committee:**
16 **(a) One member appointed by the State Forester.**
17 **(b) One member appointed by the State Fire Marshal.**
18 **(c) One member appointed by the Director of the Oregon Health Authority.**
19 **(d) One member appointed by the Environmental Justice Task Force.**
20 **(e) One member appointed by the director of the Institute for Natural Resources.**
21 **(f) One member appointed by the Director of the Department of Land Conservation and**
22 **Development.**
23 **(g) One member appointed by the Director of the Department of Consumer and Business**
24 **Services from the Division of Financial Regulation of the Department of Consumer and**
25 **Business Services.**
26 **(h) One member appointed by the Director of the Department of Consumer and Business**
27 **Services from department staff having expertise in building codes.**
28 **(5) Members appointed to the committee must have expertise in Oregon's land use plan-**
29 **ning system, including with the provisions of ORS chapters 197, 215 and 227, the statewide**
30 **planning goals of the Land Conservation and Development Commission and local government**
31 **comprehensive plans and land use regulations.**
32 **(6) The members of the committee shall elect a voting member to be chairperson of the**
33 **committee and a voting member to be vice-chairperson, with all powers appropriate to those**
34 **offices.**
35 **(7) The committee shall meet at times and places determined by the chairperson or by**
36 **the Director of the Department of Land Conservation and Development. A majority of the**
37 **voting members shall be a quorum for the conducting of business. Official actions by the**
38 **committee require approval by a majority of the voting members.**
39 **(8) The Department of Land Conservation and Development shall provide staff services**
40 **for the committee.**
41 **(9) Notwithstanding ORS 171.072, members of the committee who are members of the**
42 **Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-**
43 **teers on the committee. Other members of the committee are not entitled to reimbursement**
44 **for expenses and serve as volunteers on the committee. However, the Director of the De-**
45 **partment of Land Conservation and Development may, in the discretion of the director, re-**

1 imburse voting members of the committee for unforeseen expenses from moneys available
2 for purposes of carrying out the functions of the committee.

3 **SECTION 11.** (1) The Land Use and Wildfire Policy Advisory Committee shall review ex-
4 isting statutes, administrative rules, comprehensive plans and land use regulations to de-
5 termine whether updates to the statewide land use planning program are needed in order to
6 minimize wildfire risk to people, public and private property, businesses, infrastructure and
7 natural resources.

8 (2) On or before December 31, 2022, the committee must provide a report to appropriate
9 committees or interim committees of both the Senate and the House of Representatives. The
10 report must include recommendations concerning the updates.

11 **SECTION 12.** All agencies of state government as defined in ORS 174.111 are directed to
12 assist the Land Use and Wildfire Policy Advisory Committee and the Department of Land
13 Conservation and Development in the performance of committee and department duties un-
14 der sections 10 and 11 of this 2021 Act.

15
16 **HEALTH SYSTEMS FOR SMOKE**

17
18 **SECTION 13.** (1) The Environmental Quality Commission shall establish a program to:

19 (a) Detect wildfire smoke levels through the use of air quality monitoring stations;

20 (b) Evaluate detected wildfire smoke levels to identify public health risks for vulnerable
21 populations;

22 (c) Forward wildfire smoke public health risk information to local public health authori-
23 ties in affected areas; and

24 (d) Make wildfire smoke public health risk information available in a timely manner to
25 the public by electronic means.

26 (2) The wildfire smoke level monitoring required under this section is in addition to, and
27 not in lieu of, any monitoring requirements applicable to a person in control of an air con-
28 tamination source under a program and rules adopted under ORS 468A.337.

29 (3) The commission shall evaluate public health risks under the program using one of the
30 modelings for health risk evaluation allowed under ORS 468A.337. The commission shall de-
31 termine the public health risk from wildfire smoke based on the combination of wildfire
32 smoke with any other factors affecting air quality in an area, including, but not limited to,
33 air contamination from other sources.

34 (4) The commission shall, to the extent practicable, design the monitoring system to
35 provide timely wildfire smoke information for all areas of this state. However, the commis-
36 sion may give priority to the evaluation of wildfire smoke monitoring information in areas
37 where wildfire smoke levels are elevated or changing and in areas with concentrations of
38 vulnerable populations.

39 **SECTION 14.** (1) The Environmental Quality Commission may enter into agreements with
40 the Oregon Health Authority or other state, federal or local health agencies to provide in-
41 formation and education to the public regarding:

42 (a) Wildfire smoke public health risks;

43 (b) The availability of timely information concerning wildfire smoke levels and resulting
44 public health risks; and

45 (c) The availability and location of clean air shelters described in section 15 of this 2021

1 **Act.**

2 (2) **This section does not limit the collection, evaluation or dissemination of other air**
3 **quality monitoring station information in addition to wildfire smoke level information.**

4 **SECTION 15. (1) The Oregon Health Authority shall cooperate with local governments**
5 **to establish clean air shelters within local communities. If a shelter does not have an air**
6 **filtration system capable of reducing wildfire smoke components to levels that do not present**
7 **a public health hazard to vulnerable populations, the authority shall provide and install such**
8 **a filtration system for the shelter.**

9 (2) **Locations equipped as clean air shelters must be available to the public without**
10 **charge during periods when wildfire smoke levels present a public health risk. This sub-**
11 **section does not prohibit the authority from requiring that locations equipped as clean air**
12 **shelters also be available to the public without charge when a public health risk results from**
13 **air quality issues not associated with wildfire smoke.**

14 **SECTION 16. (1) As used in this section, “smoke filtration system” means an air**
15 **filtration system capable of removing particulates and other harmful components of wildfire**
16 **smoke.**

17 (2) **The Oregon Health Authority shall establish a program to increase the availability**
18 **of smoke filtration systems among persons vulnerable to the health effects of wildfire smoke**
19 **who reside in areas susceptible to wildfire smoke. The authority may issue grants for the**
20 **installation of smoke filtration systems in residential buildings, commercial buildings or**
21 **buildings open to the public in areas susceptible to wildfire smoke. The authority shall give**
22 **grant priority to installations in residential buildings occupied by persons of lower income,**
23 **as defined in ORS 456.055, who are vulnerable to the health effects of wildfire smoke.**

24 (3) **The authority may adopt rules establishing standards for smoke filtration systems**
25 **obtained with grant moneys received under this section, including, but not limited to, mini-**
26 **imum acceptable efficiency for the removal of particulates and other harmful substances**
27 **generated by wildfires.**

28
29 **EMERGENCY RESPONSE AND DISASTER RECOVERY**

30
31 **SECTION 17.** ORS 401.025 is amended to read:

32 401.025. As used in this chapter:

33 (1) “Emergency” means a human created or natural event or circumstance that causes or
34 threatens widespread loss of life, injury to person or property, human suffering or financial loss,
35 including but not limited to:

36 (a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud slides, drought, earth-
37 quake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous
38 material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease,
39 blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

40 (b) A rapid influx of individuals from outside this state, a rapid migration of individuals from
41 one part of this state to another or a rapid displacement of individuals if the influx, migration or
42 displacement results from the type of event or circumstance described in paragraph (a) of this sub-
43 section.

44 (2) “Emergency service agency” means an organization within a local government that performs
45 essential services for the public’s benefit before, during or after an emergency, such as law

1 enforcement, fire control, health, medical and sanitation services, public works and engineering,
2 public information and communications.

3 (3) "Emergency services" means activities engaged in by state and local government agencies
4 to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency,
5 including but not limited to coordination, preparedness planning, training, interagency liaison, fire
6 fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforce-
7 ment, medical, health and sanitation services, engineering and public works, search and rescue ac-
8 tivities, warning and public information, damage assessment, administration and fiscal management,
9 and those measures defined as "civil defense" in 50 U.S.C. app. 2252.

10 (4) "Local government" has the meaning given that term in ORS 174.116.

11 (5) "Major disaster" means any event defined as a "major disaster" under 42 U.S.C. 5122(2).

12 **SECTION 18. (1) The Office of Emergency Management shall update its statewide emer-**
13 **gency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide**
14 **or statewide basis. The plan developed by the office to prepare for or respond to wildfire**
15 **emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and**
16 **evacuation planning.**

17 (2) **The office shall coordinate with cities and counties, and with adult foster homes,**
18 **health care facilities and residential facilities, to establish local or private procedures to**
19 **prepare for emergencies related to wildfire and ensure that local efforts to prevent, respond**
20 **to or recover from an emergency caused by wildfire are conducted in a manner consistent**
21 **with the plan developed by the office to prepare for or respond to wildfire emergencies. The**
22 **coordinated activities may include, but need not be limited to, providing training, carrying**
23 **out exercises and promoting community education.**

24 DEFENSIBLE SPACE

25 **SECTION 19.** ORS 477.029 is amended to read:

26
27 477.029. (1) Pursuant to a request by the State Forester, the governing body of a county con-
28 taining forestland-urban interface [*may*] **must** establish a county forestland-urban interface classi-
29 fication committee of [*five*] **seven** persons, of whom one shall be appointed by the State Forester,
30 one by the State Fire Marshal and [*three*] **five** by the governing body, **of whom one must repre-**
31 **sent the interests of a county, one must represent the interests of a municipality and three**
32 **must represent interests of the public.** Of the members appointed by the governing body **to**
33 **represent interests of the public,** [*one*] **two** must be [*an owner*] **owners** of land within the
34 forestland-urban interface who permanently [*resides*] **reside** on the land. Each appointing authority
35 shall file with the State Forester the name of its appointee or appointees, and the persons so named
36 shall constitute the committee for the county. Unless otherwise provided for by the appointing au-
37 thority, members of the committee shall serve a term of four years and may be reappointed to any
38 number of terms. Each member of the committee at all times is subject to replacement by the ap-
39 pointing authority, effective upon the filing with the State Forester by that authority of written
40 notice of the name of the new appointee.

41 (2) The committee shall elect from among its members a chair and a secretary and may elect
42 other officers as it finds advisable. The committee shall adopt rules governing its organization and
43 proceedings and the performance of its duties, and shall keep written minutes of all its meetings.
44 A quorum of the county forestland-urban interface classification committee for official actions is
45

1 three members, and a quorum of a committee established pursuant to subsection (4)(a) of this section
2 is four members.

3 (3) The governing body of the county may provide for the committee and its employees such
4 accommodations and supplies and such county funds not otherwise appropriated as the governing
5 body finds necessary for the proper performance of the committee's functions. The members of the
6 committee shall receive no compensation for their services, but the governing body may reimburse
7 them for their actual and necessary travel and other expenses incurred in the performance of their
8 duties. By written agreement between the State Forester and the governing body, the State Forestry
9 Department may provide the functions or be responsible for part or all of the expenses referred to
10 in this subsection.

11 (4) In the interest of efficiency, by written agreement between the State Forester and the gov-
12 erning body, if a forestland classification committee is established and active within a county pur-
13 suant to ORS 526.305 to 526.340, the members of that committee may also serve on the county
14 forestland-urban interface classification committee established by subsection (1) of this section. In
15 the event that this agreement is made, the State Forester and the governing body shall ensure that
16 either:

17 (a) A State Fire Marshal appointee and an owner of land within the forestland-urban interface
18 who permanently resides on the land are added to the county forestland classification committee to
19 bring the total number of committee members to seven; or

20 (b) The State Fire Marshal approves of the current membership of the county forestland classi-
21 fication committee and the committee includes an owner of land within the forestland-urban inter-
22 face who permanently resides on the land.

23 **SECTION 20.** ORS 477.031 is amended to read:

24 477.031. (1) A county forestland-urban interface classification committee established under ORS
25 477.029 shall periodically identify all land to be designated as forestland-urban interface within the
26 county based on the criteria developed pursuant to ORS 477.027.

27 (2) The committee shall assign all forestland-urban interface forestland identified under sub-
28 section (1) of this section to one of the forestland-urban interface classes developed pursuant to ORS
29 477.027.

30 (3) Before making final designations and classifications under this section, the committee shall
31 adopt proposed designations and classifications. The committee shall publish notice of the proposed
32 designations and classifications **on the county website and** once a week for two consecutive weeks
33 in a newspaper of general circulation in the county, *[to be posted]* **post notice** in three public places
34 within the county, and *[to be mailed]* **mail notice** to the owners of land that is affected by the pro-
35 posed designations and classifications. The notice shall state the time and place for hearing or re-
36 ceiving objections, remonstrances or suggestions as to the proposed designations and classifications
37 and the place where maps of the proposed designations and classifications may be inspected.

38 (4) **The committee shall establish minimum defensible space standards for minimizing or**
39 **mitigating wildfire risk within extreme hazard zones. The standards must address:**

40 (a) **Fire hazards or risks on land within a forestland-urban interface due to the presence**
41 **of structures or the arrangement or accumulation of natural vegetative fuels other than**
42 **vegetation cultivated as part of a farm use, as defined in ORS 215.203, or as forest products,**
43 **as defined in ORS 321.005, or vegetation planted for landscape preservation, development and**
44 **enhancement, as defined in ORS 671.310; and**

45 (b) **The following fire hazards or risks or combinations of fire hazards or risks:**

1 (A) Firewood; and

2 (B) Stored flammable building material or other similar flammable material external to
3 a building.

4 (c) Voluntary activities that landowners in low, moderate and high hazard zones may
5 undertake to reduce wildfire risk.

6 (5) The committee may establish minimum defensible space standards within high hazard
7 zones. The standards may address the fire hazards and risks described in subsection (4) of
8 this section.

9 (6) The committee shall produce maps of final standards, designations and classifications
10 established under this section.

11 **SECTION 21.** ORS 477.052 is amended to read:

12 477.052. (1) The county forestland-urban interface classification committee shall hold a public
13 hearing at the time and place stated in the notice published under ORS 477.031 (3), or at such other
14 time and place to which the hearing may be adjourned, to receive from any interested persons ob-
15 jections, remonstrances or suggestions relating to the proposed designations, [and] classifications
16 and defensible space standards. Following the hearing the committee may make such changes in
17 the proposed designations and classifications as it finds to be proper, hold additional hearings as it
18 finds necessary, and thereafter shall make final designations and classifications.

19 (2) All final action by the committee in designating and classifying forestland-urban interface
20 shall be by formal written order, which must include a statement of findings of fact on the basis of
21 which the order is made, and must include a list of all land designated and classified. The committee
22 shall prepare one or more maps showing the final designations and classifications made. The ori-
23 ginal of the order shall be filed with the county clerk of the county. The order need not meet the
24 requirements of ORS 205.232 to be filed and recorded. A copy of the order certified by the secretary
25 of the committee shall be sent to the State Forester.

26 (3) Copies of the order, lists of land and maps required by this section shall be:

27 (a) Maintained in designated offices of the forester where they shall be made available for
28 public inspection.

29 (b) Sent to Oregon State University for inclusion in the statewide wildfire risk map.

30 **SECTION 22.** ORS 477.057 is amended to read:

31 477.057. (1) The State Forester may designate and classify forestland-urban interface, and create
32 defensible space standards for a county, consistent with and as described in ORS 477.031 to
33 477.054, if a designation, [and] classification [of forestland-urban interface] or establishment of
34 standards is not made by the county forestland-urban interface classification committee within a
35 county in which such land is situated because:

36 (a) The governing body of the county fails to establish a county forestland-urban interface
37 committee within [two years] one year after the State Forester makes a request under ORS 477.029
38 (1);

39 (b) The committee fails to make a designation and classification within [five years] one year
40 after being appointed, or the committee fails to make a designation, [and] classification or estab-
41 lishment of standards within [five years] one year of the last designation, [and] classification or
42 establishment of standards made by the committee; or

43 (c) The committee fails to make a designation, [and] classification or establishment of stan-
44 dards in a manner consistent with ORS 477.031 to 477.054.

45 (2) Designation, [and] classification or establishment of standards by the State Forester has

1 the same force and effect as though made by a committee for that county. However, designations
2 and classifications made by the State Forester cease to be effective if replaced by designations and
3 classifications made pursuant to ORS 477.052 by the appropriate committee.

4 **SECTION 23.** ORS 477.059 is amended to read:

5 477.059. (1)(a) **Using data in the 2021 Oregon Explorer Map**, the State Board of Forestry shall
6 by rule establish minimum **defensible space standards in extreme risk zones** for minimizing or
7 mitigating:

8 (A) Fire hazards or risks on land within a forestland-urban interface due to the presence of
9 structures or the arrangement or accumulation of **natural** vegetative fuels **other than vegetation**
10 **cultivated as part of a farm use, as defined in ORS 215.203, or as forest products, as defined**
11 **in ORS 321.005, or vegetation planted for landscape preservation, development and enhance-**
12 **ment, as defined in ORS 671.310;** and

13 (B) Other fire hazards or risks or combinations of fire hazards or risks.

14 (b) In adopting rules under this subsection, the board shall take into account the variability of
15 the forestland-urban interface in different parts of the state.

16 (c) An owner of land within a forestland-urban interface must comply with the minimum stan-
17 dards applicable to the land.

18 **(d) Rules adopted under this subsection must be consistent with:**

19 **(A) Building code standards established by the Department of Consumer and Business**
20 **Services that apply to structures within the forestland-urban interface; and**

21 **(B) Any comprehensive plan and land use regulations of the local government that has**
22 **jurisdiction over property within the forestland-urban interface.**

23 (2)(a) Except as provided in paragraph (b) of this subsection, but no more frequently than once
24 every five years, the State Forester shall provide written notice of the applicable minimum standards
25 established under this section to each owner of land within a forestland-urban interface, unless the
26 owner requests a copy more frequently.

27 (b) The board need not give notice under paragraph (a) of this subsection to an owner of land
28 if the owner is a member of a homeowners association by reason of owning the land and the State
29 Forester has entered into a cooperative agreement with the homeowners association pursuant to
30 ORS 477.023 (2)(e) that provides for notice to owners through the association.

31 (3) An owner of land within a forestland-urban interface must certify in writing to the State
32 Forester that the owner has complied with the applicable minimum standards established under this
33 section not later than two years after the order designating the land as being within the
34 forestland-urban interface is filed with the county clerk under ORS 477.052 (2). If a subsequent order
35 is filed that changes the classification of the land, the owner of the land must make a supplemental
36 certification in writing to the State Forester that reflects the measures that the owner has taken
37 to comply with the applicable minimum standards established under this section for the new classi-
38 fication not later than six months after the new order is filed.

39 (4) The State Forester shall accept certifications made to the forester under subsection (3) of
40 this section. Any owner of land whose written certification has been accepted by the State Forester
41 under this subsection is not liable for the costs of suppressing a fire under subsection (6) of this
42 section, unless the State Forester subsequently determines that the owner of land has provided a
43 false certification.

44 (5) The State Board of Forestry may require periodic renewal of a certification accepted by the
45 State Forester under subsection (4) of this section, and may require supplemental certifications from

1 the owner of land that reflect the measures that the owner has taken to comply with the applicable
2 minimum standards established under this section. An owner of land is responsible for maintaining
3 the land described by the certification in compliance with the applicable minimum standards estab-
4 lished under this section.

5 (6) The owner of land designated to be within a forestland-urban interface is liable to the State
6 Forester for the costs of suppressing a fire that occurs on that land, as described in subsection (7)
7 of this section, if:

8 (a) The owner has **willfully or recklessly** failed to meet the applicable minimum standards es-
9 tablished under this section;

10 (b) The fire originates on the owner's land;

11 (c) The ignition or spread of the fire is directly related to the owner's failure to meet the ap-
12 plicable minimum standards established under this section; and

13 (d) The fire requires action by the forester pursuant to ORS 477.066 (2).

14 (7) The liability of an owner of land under subsection (6) of this section may not exceed
15 *[\$100,000]* **\$10,000**. The State Forester may not seek recovery under subsection (6) of this section for
16 any portion of the costs of suppressing a fire that are the ordinary costs of the regular personnel
17 and equipment of the forest protection district in which the land is located. This subsection does
18 not limit the liability of the owner under ORS 477.120.

19 **SECTION 24.** ORS 477.060 is amended to read:

20 477.060. (1) In determining the annual cost of protection pursuant to ORS 477.230, **in consulta-**
21 **tion with the State Fire Marshal** the forester may consider and include the special or additional
22 cost of fire protection for property owners within a forestland-urban interface classification, includ-
23 ing the special or unique costs of assessment processing and administration.

24 (2) The forester shall identify special or additional costs identified by subsection (1) of this sec-
25 tion in the budget required by ORS 477.230 to 477.300. These special or additional costs:

26 (a) Are in addition to the annual cost of ORS 477.230 (1) and may not exceed \$25 annually for
27 each real property lot. [*Only those owners of land within a forestland-urban interface classification in*
28 *a forest protection district shall bear the special or additional cost of fire protection within the*
29 *forestland-urban interface in a manner consistent with rules promulgated by the State Board of*
30 *Forestry.*]

31 (b) **Must be adopted by rule and ratified by the Legislative Assembly.**

32
33 **BUILDING CODES**
34

35 **SECTION 25.** (1) **For extreme hazard areas identified pursuant to ORS chapter 477, the**
36 **Department of Consumer and Business Services shall adopt wildfire hazard mitigation**
37 **building code standards for new residences on lots or parcels platted after the effective date**
38 **of this 2021 Act, as described in section R327 of the 2019 amendments of the 2017 Oregon**
39 **Residential Specialty Code.**

40 (2) **The department shall consult with Oregon State University to develop an interactive**
41 **tool using data from the 2021 Oregon Explorer Wildfire Risk Portal at the State Forestry**
42 **Department. The tool shall use the extreme hazard data from the portal to identify when**
43 **the building code standards described in subsection (1) of this section must be applied by the**
44 **department or a municipality administering a building inspection program under ORS 455.148**
45 **and 455.150.**

1 **SECTION 30.** (1) The State Forestry Department shall carry out a program that uses a
2 map of wildfire risk to:

3 (a) Identify state and local resource needs for mitigating wildfire risk.

4 (b) Estimate funding, staffing and other administrative resources necessary for state,
5 county and city governments to implement wildfire risk reduction programs, including, but
6 not limited to, the costs of program development, implementation and ongoing operations
7 and the amounts needed for stable long-term funding for the programs.

8 (2) In coordination with other state entities, as defined in ORS 174.112, the department
9 shall identify policy barriers to increasing implementation of fuel reduction treatment
10 projects on private lands.

11 (3) The department shall develop consistent performance measures and condition-based
12 metrics for monitoring and communicating the effectiveness of state investments and project
13 actions in mitigating the risk of wildfire.

14 (4) The program described in subsection (1) of this section must provide opportunities for
15 the department to identify workforce development needs and develop funding proposals for
16 those needs, including, but not limited to, program funding proposals to ensure adequate
17 contracting capacity for undertaking increased implementation of the program.

18
19 **FEDERAL PARTNERSHIP**
20

21 **SECTION 31.** The State Forestry Department shall cooperate with federal agencies to
22 increase the effectiveness of activities undertaken pursuant to ORS 526.271, 526.274 and
23 526.275.

24 **SECTION 32.** ORS 526.271 is amended to read:

25 526.271. The Legislative Assembly finds and declares that:

26 (1) The State Forestry Department is well-positioned, due to experience in managing Oregon
27 forests and its understanding of science-based, active forest management, to facilitate state govern-
28 ment participation in forest management on federal lands located within the state.

29 (2) The State Department of Fish and Wildlife has expertise with fish and wildlife habitat and
30 the Department of Environmental Quality has expertise with water quality. Both departments have
31 an important role to play in the management of federal forests located within the state.

32 (3) A collaborative relationship between the State Forestry Department, the federal government,
33 other agencies of the executive department, as defined in ORS 174.112, interested persons and non-
34 governmental organizations may restore the health, diversity and resilience of federal forests by
35 increasing the information shared and by providing a variety of perspectives on site-specific and
36 landscape-level determinations.

37 (4) In cooperation with the State Forestry Department, **the Governor’s Council on Wildfire**
38 **Response** and the federal government, [*many communities in wildfire-prone areas have completed a*
39 *community wildfire protection plan that identifies priority areas for hazardous fuel removal from fed-*
40 *eral lands.*] **wildfire mitigation recommendations and priorities were developed and presented**
41 **in the “December Final Mitigation Committee Report” dated December 11, 2019, which used**
42 **the relative importance categories identified in the United State Forest Service Report titled**
43 **“Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results” and dated**
44 **April 9, 2018.**

45 (5) The federal government has provided opportunities for agencies of the executive department,

1 as defined in ORS 174.112, to become involved, to a greater extent, in the management of federal
2 lands.

3 **SECTION 33.** ORS 526.274 is amended to read:

4 526.274. In furtherance of the policy established in ORS 526.271, the State Board of Forestry, in
5 consultation with the Governor, may:

6 (1) In conformance with federal law, including Public Law 108-7, direct the State Forester to
7 facilitate the development of stewardship contracts utilizing private contractors and, when appro-
8 priate, to seek and enter into a stewardship contract agreement with federal agencies to carry out
9 forest **or rangeland** management activities on federal lands. The State Forester may, under the
10 stewardship contract agreements:

11 (a) Perform road and trail maintenance;

12 (b) Set prescribed fires to improve forest health, composition, structure and condition;

13 (c) Manage vegetation;

14 (d) Perform watershed restoration and maintenance;

15 (e) Restore wildlife habitat;

16 (f) Control exotic weeds and species; *[and]*

17 (g) Perform other activities related to stewardship[.]; **and**

18 **(h) Perform other activities related to fuel load reduction or wildfire risk reduction.**

19 (2) Create a forum for interagency cooperation and collaborative public involvement regarding
20 federal forest management **and rangeland wildfire** issues that may include, at the discretion of the
21 board, the appointment of advisory committees, the use of existing advisory committees **or part-**
22 **nership opportunities** and procedures for holding public hearings.

23 (3) Provide guidelines for the State Forestry Department and State Forester to follow that con-
24 tain directions regarding the management of federal lands and that specify the goals and objectives
25 of the board regarding the management of federal lands.

26 (4) Participate, to the extent allowed by federal law, in the development of federal forest policies
27 and the forest management planning processes of federal agencies.

28 (5) Provide guidelines for the department to follow in implementing this section.

29 (6) Coordinate with Oregon State University, the State Department of Fish and Wildlife, the
30 Oregon Forest Resources Institute, the Department of Environmental Quality, the Oregon Business
31 Development Department, the State Department of Energy, **the State Department of Agriculture,**
32 **the Oregon Watershed Enhancement Board** and other agencies of the executive department, as
33 defined in ORS 174.112, to assist the State Forestry Department in carrying out the provisions of
34 this section.

35 **(7) Identify the appropriate state agency to assist the State Forestry Department in**
36 **carrying out and overseeing federal rangeland treatments.**

37 **(8) Request that the State Forester specify treatment metrics appropriate for achieving**
38 **program goals regarding federal forest management.**

39 **(9) Direct the State Forestry Department to ensure that work on federal lands:**

40 **(a) Is designed to evaluate and prioritize treatments on federal forestlands and**
41 **rangelands in this state without regard to federal ownership.**

42 **(b) Maximizes the use of federal and state resources to improve coordination and expe-**
43 **dite implementation of federal forestland and rangeland treatments.**

44 **(c) Identifies in budget requests the capacity needed within state government in order**
45 **to meet the treatment goals.**

SECTION 34. ORS 526.275 is amended to read:

526.275. (1) As used in this section:

(a) “Additive” means an increase in the pace, scale and quality of forest, rangeland and water restoration services on federal lands within Oregon, including but not limited to services to produce timber harvest volumes that exceed outputs that would be produced by federal land management agencies alone.

(b) “Federal land management agencies” means the United States Forest Service and the Bureau of Land Management.

(c) “Forest, rangeland and water restoration services” means activities that:

(A) Treat insect-infested or disease-infected trees;

(B) Reduce hazardous fuels; or

(C) Restore or improve forest, rangeland or watershed health, including but not limited to fish or wildlife habitat health.

(d) “Good Neighbor Authority Agreement” means the Good Neighbor Authority Agreement that the Governor, the State Forester and the State Fish and Wildlife Director entered into with the United States Forest Service on March 29, 2016.

(2) It is the policy of the state to pursue projects under the Good Neighbor Authority Agreement that increase timber harvest volume, contribute to job creation, reduce wildfire risks to all lands, improve wildlife habitat and watershed health and stimulate local economies. To the extent allowed by the agreement, state agencies that are signatories to the agreement shall work with federal land management agencies to give priority to projects that:

(a) Consist of additive activities;

(b) Maximize economic benefit to this state; *[and]*

(c) Recover the state agency costs of implementing the projects[.];

(d) Reduce fuel loads; and

(e) Reduce wildfire suppression costs.

NONFEDERAL LANDS

SECTION 35. (1) **The State Forestry Department shall design and implement a program to reduce wildfire danger on nonfederal or private forestlands and rangelands through the restoration of landscape resiliency and the reduction of hazardous fuel levels.**

(2) The department shall select projects consistent with the objectives described in this section.

(3) In carrying out the provisions of this section, the department shall, to the extent practicable, consult and cooperative with relevant state and federal agencies, counties, cities and other units of local government, private forestland and rangeland owners, forestland and rangeland collaboratives and other relevant community organizations.

(4) When developing project selection criteria, to the extent practicable, the department shall consult and cooperate with the Oregon State University Extension Service, state and federal agencies, counties, cities and other units of local government, private forestland and rangeland owners, forestland and rangeland collaboratives and other relevant community organizations.

(5) In selecting projects, the department shall give priority to landscapes identified in a statewide map of wildfire risk that:

1 (a) Leverage the collective power of public-private partnerships, federal funding and state
2 funding.

3 (b) Optimize the receipt of investments by the federal government that equal or exceed
4 investments by the department.

5 (c) Involve existing forest-based and range-based contracting entities.

6 (d) Complement programs and projects of the department, federal partners, the Oregon
7 Watershed Enhancement Board and state agencies as applicable.

8
9 **SMALL TRACT FORESTLAND INCENTIVE**

10
11 **SECTION 36.** (1) As used in this section:

12 (a) “Forest health” means a reduction in the fuel load of forestland that achieves eco-
13 logical goals, reduces fuel loads and reduces potential wildfire suppression costs.

14 (b) “Small tract forestland” has the meaning given that term in ORS 321.700.

15 (2) A small tract forestland owner may submit to the State Board of Forestry a plan for
16 the owner to restore the forest health on the forestland. The board shall review a plan sub-
17 mitted under this subsection to determine whether and to what extent the plan may rea-
18 sonably be expected to improve forest health on the forestland. If the board approves the
19 plan, upon the forestland owner presenting evidence satisfactory to the board that the plan
20 has been timely completed, the board shall certify to the county assessor that the forestland
21 qualifies for a credit against the specially assessed valuation of the forestland under ORS
22 321.722. The assessor shall apply the credit certified by the board to the specially assessed
23 value of the forestland in the first property tax year beginning on or after the date of the
24 certification. The credit may not exceed:

25 (a) _____ percent of the specially assessed value per acre determined under ORS 321.354,
26 if located in western Oregon; or

27 (b) _____ percent of the specially assessed value per acre determined under ORS 321.833,
28 if located in eastern Oregon.

29 (3) A credit claimed under this section does not reduce the assessed value of the small
30 tract forestland for purposes of determining the maximum tax assessment in a subsequent
31 year under ORS 321.722 (2).

32
33 **RESILIENCY GOAL**

34
35 **SECTION 37.** Section 38 of this 2021 Act is added to and made a part of ORS 527.610 to
36 527.770.

37 **SECTION 38.** It is the policy of this state to maximize forestland and rangeland
38 resiliency, including, but not limited to, the achievement of reduction in fuel loads, reduction
39 in wildfire suppression costs and improved vegetation condition resilience. The State Board
40 of Forestry shall adopt rules for maximizing forest and rangeland resiliency through the use
41 of fuel load management on forestlands and rangelands, including, but not limited to, the use
42 of prescribed burns and commercial and noncommercial harvesting.

43
44 **WILDFIRE RESPONSE CAPACITY**

