

ANALYSIS

Item 6: Department of the State Fire Marshal 2023 Fire Season

Analyst: Wendy Gibson

Request: Acknowledge receipt of a report on the 2023 fire season.

Analysis: The Department of the State Fire Marshal (DSFM) submitted a report on their preliminary expenses for the 2023 fire season. DSFM responded to seven conflagrations during the season for an estimated cost of \$9.5 million. The Department reports an additional \$3 million in expenses for the 20 pre-positioning and immediate response mobilizations, bringing the gross 2023 fire season cost to \$12.5 million. During the 2023 legislative session, SB 5506 provided the Department \$2 million for conflagrations and an additional \$2 million for wildfire readiness, response, and pre-positioning.

Conflagrations

In accordance with the Emergency Conflagration Act (ORS 476.510), the Governor declared seven conflagrations during the 2023 fire season. Local fire agencies have 60 days to submit invoices to DSFM, and the Department must reimburse the costs within 90 days. Three conflagrations have been fully reimbursed, and the most recent four are still in the reimbursement process. The chart below details the estimated costs per conflagration.

2023 Conflagrations	County	Declared	Estimated Cost	State Cost Share			Federal Cost Share	
Hat Rock	Umatilla	6/13/2023	\$ 755,098	\$ 755,098	100%		-	-
Mt Hebron	Umatilla	6/13/2023	\$ 182,270	\$ 182,270	100%		-	-
Golden	Klamath	7/22/2023	\$ 1,469,589	\$ 367,398	25%	\$ 1,102,192	75%	
Lookout	Lane	8/13/2023	\$ 3,335,107	\$ 3,335,107	100%		-	-
Tyee Ridge Complex	Douglas	8/26/2023	\$ 2,119,690	\$ 2,119,690	100%		-	-
Smith River Complex	Josephine	8/29/2023	\$ 1,125,699	\$ 1,125,699	100%		-	-
Bensel Road	Umatilla	9/4/2023	\$ 484,477	\$ 484,477	100%		-	-
			\$ 9,471,930	\$ 8,369,739	89%	\$ 1,102,192	11%	

Large wildfires with a level of destruction constituting a major disaster may qualify for federal reimbursement from the Federal Emergency Management Agency's (FEMA) Fire Management Assistance Grant (FMAG) program. FEMA evaluates fires based on four criteria: (1) threats to lives and improved property, (2) high fire danger conditions, (3) potential for major economic impact, and (4) availability of state and local firefighting resources. Qualifying wildfires received 75% reimbursement of the eligible wildfire costs. DSFM anticipates the Golden conflagration will qualify for the FMAG reimbursement, lessening the state's total cost to \$8.4 million.

Pre-positioning and immediate response

According to DSFM, pre-positioning of firefighting assets and personnel reduces the potential for large and destructive wildfires. In the 2023 fire season, DSFM provided immediate response and pre-position for 20 mobilizations and retained an aircraft on standby.

Similar to conflagrations, Local fire agencies have 60 days to submit invoices to DSFM, and the Department must reimburse the costs within 90 days. Most mobilizations have been fully reimbursed, with approximately five still in the reimbursement process. The chart below details the estimated aggregate costs.

2023 Immediate Response & Pre-Positioning	County	Declared	Estimated Cost	State Cost Share		Federal Cost Share	
John Day	Grant	4/17/2023	\$ 100,000	\$ 100,000	100%	-	-
Quarry Fire	Lane	5/28/2023	\$ 15,290	\$ 15,290	100%	-	-
Hat Rock	Umatilla	6/13/2023	\$ 24,606	\$ 24,606	100%	-	-
Milepost 87	Wasco	6/14/2023	\$ 90,000	\$ 90,000	100%	-	-
Moon Mt.	Lane	7/4/2023	\$ 12,000	\$ 12,000	100%	-	-
Devil's Butte	Gilliam	7/11/2023	\$ 75,000	\$ 75,000	100%	-	-
Elm Street	Umatilla	7/19/2023	\$ 15,000	\$ 15,000	100%	-	-
Table Rock	Jackson	7/20/2023	\$ 10,000	\$ 10,000	100%	-	-
Golden	Klamath	7/22/2023	\$ 40,000	\$ 10,000	25%	30,000	75%
Madras Pre-Position	Jefferson	8/4/2023	\$ 192,960	\$ 192,960	100%	-	-
Priceboro	Linn	8/4/2023	\$ 128,640	\$ 128,640	100%	-	-
Wiley	Linn	8/9/2023	\$ 181,440	\$ 181,440	100%	-	-
Lane Pre-Position	Lane	8/12/2023	\$ 181,440	\$ 181,440	100%	-	-
Bedrock	Lane	8/14/2023	\$ 814,548	\$ 814,548	100%	-	-
Prison	Umatilla	8/18/2023	\$ 15,000	\$ 15,000	100%	-	-
California Pre-Position	Lane	8/14/2023	\$ 352,107	\$ 352,107	100%	-	-
Liberty	Marion	8/23/2023	\$ 95,600	\$ 23,900	25%	71,700	75%
Smith River Complex IR	Josephine	8/24/2023	\$ 316,175	\$ 316,175	100%	-	-
Bensel Road IR	Umatilla	9/3/2023	\$ 184,430	\$ 184,430	100%	-	-
Gold Beach Pre-Position	Curry	9/13/2023	\$ 204,456	\$ 204,456	100%	-	-
Aircraft Standby	Statewide	2/4/1944	\$ 16,106		100%	-	-
			\$ 3,064,798	\$ 2,946,992	93%	\$ 101,700	7%

DSFM anticipates two of the immediate responses will be eligible for federal reimbursement under the FMAG program, lessening the state's total cost to \$2.9 million.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means acknowledge receipt of the report.

Request: Report on the 2023 fire season in Oregon.

Recommendation: Acknowledge receipt of the report.

Discussion: The Department of the State Fire Marshal (OSFM) is responsible for mobilizing, managing, and directing the Oregon Fire Service during major emergency operations through the Conflagration Act (ORS 476.520 through 476.610). Consistent with OSFM's practice when under the Department of State Police (OSP), the Department generally reports to the Legislature in the fall following the conclusion of the active fire season. OSFM became an independent agency effective July 1, 2023.

Senate Bill 762 (2021) directed OSFM to create new programs and strategies to prevent, mitigate, and fight wildfires, including pre-positioning key equipment and resources in high-risk areas and supporting local staffing efforts during wildfire season. During the 2023 fire season, OSFM responded to seven conflagrations and performed 20 immediate response and pre-positioning mobilizations in ten counties. These efforts kept conflagrations smaller and lowered the overall cost of fighting wildfires.

OSFM estimates total cost to be approximately \$12.5 million for the 2023 fire season. Of these costs, approximately \$9.5 million was incurred for conflagrations and \$3.0 million for prepositioning and immediate response. Senate Bill 5506 (2023) provided one-time funding for wildfire readiness and response, including pre-positioning of resources and the State Fire Marshal Mobilization Fund. However, the gross costs of the 2023 fire season exceed these resources, and OSFM must manage the costs of fire seasons within their own relatively small operating budget now that they are independent of OSP and cannot use the larger agency's resources to fund fire season costs.



Oregon

Tina Kotek, Governor

Oregon State Fire Marshal
3991 Fairview Industrial Drive SE
Salem, Oregon 97302
503-373-1540
Fax 503-373-1825

October 9th, 2023

Senator Elizabeth Steiner, Co-Chair
Representative Tawna Sanchez, Co-Chair
Interim Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of Request

The Department of the State Fire Marshal (OSFM) respectfully requests the opportunity to appear before the Interim Joint Committee on Ways and Means during the November 2023 legislative days to provide a report on the 2023 fire season and its financial status.

Background

Consistent with the biannual reporting required by ORS 476.398, the Department of the State Fire Marshal would like to report to the Interim Joint Committee on Ways and Means on the status of the 2023 fire season. Oregon's fire season began close to the typically expected timeframe due to spring precipitation and now, as fire season nears closure, 2023 currently ranks as an average fire season. OSFM responded to seven Governor declared conflagrations and executed twenty strategic allocations of resources for immediate response, pre-positioning, and associated costs. These strategic tools allow for immediate action to keep a fire small and place structural resources in a community's geographic area due to high-risk conditions. In some cases, proactive, strategically placed response resources can prevent fires from escalating to the level of conflagration.

The OSFM is responsible for mobilizing, managing, and directing the Oregon Fire Service during major emergency operations through the Conflagration Act (ORS 476.520 through 476.610). The Governor may invoke the Conflagration Act when the threat of wildfire to structures and communities exceeds the local jurisdictions' response capacity. When this occurs, OSFM mobilizes, supports, and provides leadership for Oregon fire service resources that respond from the more than 300 fire service agencies across Oregon. Responding local fire service agencies have 60 days to submit invoices to OSFM for payment of costs incurred during their participation in the conflagration. OSFM is required to reimburse local fire agencies within 90 days of receiving the invoice.

As of October 9th, 2023, the OSFM has responded to seven conflagrations and 20 immediate response and pre-positioning mobilizations in ten counties.

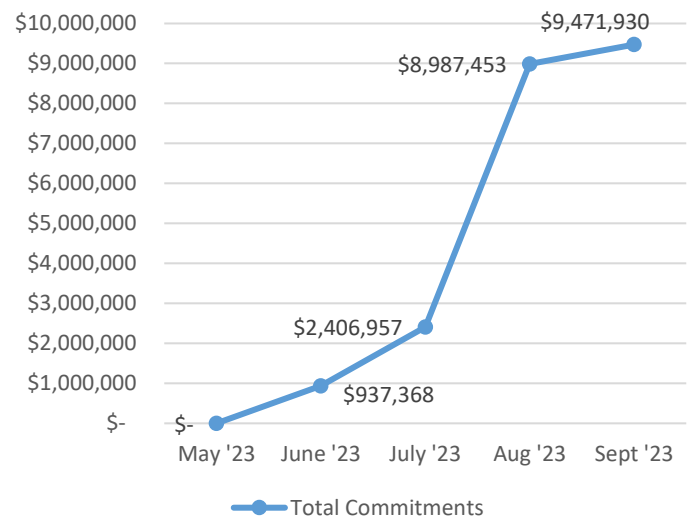
The chart to the right shows the aggregate OSFM fire costs to date for Governor declared conflagrations. As of October 9th, there have been seven declared conflagrations, with total estimated costs of \$9.5 million. The estimated costs for these conflagrations can be seen more fully in the attached chart (Attachment A).

Similar to the above-mentioned conflagration costs, the following chart displays the aggregate costs of 2023 immediate response and pre-positioning mobilizations outside of conflagration declarations. During the 2023 session, the legislature authorized \$2.0 million for OSFM to pre-position resources and immediately respond to fires when they are still relatively small. The availability of these resources is a critical tool to respond quickly to emerging fires to protect life and property in Oregon. OSFM used these resources to respond to 20 emerging wildfires. Both these new tools for OSFM saved the State of Oregon millions in conflagration costs by catching numerous fires when they were small. The estimated current cost for immediate response is \$3 million. The estimated cost of each of these events can be seen in the attached chart (Attachment B).

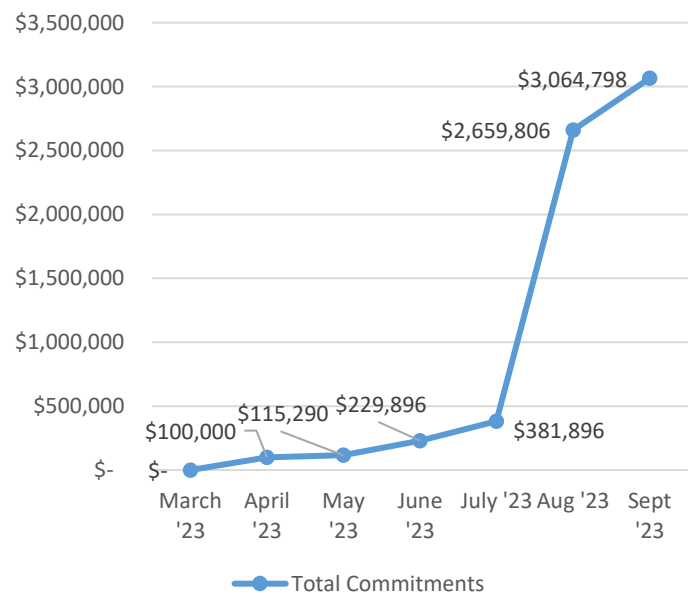
Based on the information above, the estimated 2023 mobilization costs, conflagrations, immediate response, and pre-positioning total over \$12.5 million. These are estimates and the final costs will remain fluid until final billings and payments are completed in 2024.

During the 2023 session, the legislature established the new mobilization fund for OSFM in the program change bill (SB 1049). This was a welcomed first essential step for creating a system to pay for mobilization costs. The legislature included \$2 million in the omnibus budget

Fire Costs by Date of Conflagration Declaration



Immediate Response & Pre-Positioning Costs by Start Date



reconciliation bill (SB 5506) for the newly established fund, but less than the \$32 million average biennial mobilization cost the OSFM had requested. Based on this wildfire season's expenditures, OSFM already has commitments greater than the legislative biannual allocation. The OSFM has already committed the biennial allocation and additional agency dollars for immediate response and strategic wildfire pre-positioning, leaving no funding for fire season 2024 in the last half of the biennium. OSFM wishes to submit this financial update for review and consideration.

Action Requested

The Department of the State Fire Marshal respectfully requests that the Interim Joint Committee on Ways and Means acknowledge receipt of the 2023 fire season report on response and financial commitments from the 2023 wildfire season.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Mariana Ruiz-Temple". The script is cursive and fluid.

Mariana Ruiz-Temple
State Fire Marshal
Department of the State Fire Marshal

CC:

- Amanda Beitel, Legislative Fiscal Officer
- Kate Nass, Chief Financial Officer
- Wendy Gibson, Agency LFO Analyst
- Lisa Fox, Agency CFO Analyst
- LFO.LegRequests@oregonlegislature.gov
- CFO.LegRequests@das.oregon.gov

Attachments:

- Attachment A – 2023 Statewide Conflagrations
- Attachment B – 2023 Immediate Response & Pre-Positioning

Attachment A- 2023 Statewide Conflagrations

Conflagration Name	Conflagration Completed	County	Declared	Estimate	State Cost	FEMA Eligible	Payment to locals begin:
Hat Rock	Yes	Umatilla	6/13/23	\$755,098	\$755,098	No	August/Sept
Mt Hebron	Yes	Umatilla	6/13/23	\$182,270	\$182,270	No	August/Sept
Golden	Yes	Klamath	7/22/23	\$1,469,589	\$367,398	\$1,102,192	August/Sept
Lookout	Yes	Lane	8/13/23	\$3,335,107	\$3,335,107	No	Sept/Oct
Tyee Ridge Complex	Yes	Douglas	8/26/23	\$2,119,690	\$2,119,690	No	Oct/Nov
Smith River Complex	Yes	Josephine	8/29/23	\$1,125,699	\$1,125,699	No	Oct/Nov
Bensel Road	Yes	Umatilla	9/4/23	\$484,477	\$484,477	No	Oct/Nov
2023 Estimated Running Total				\$9,471,930	\$8,369,739	\$1,102,192	

* Numbers may not foot due to rounding

Attachment B- 2023 Immediate Response & Pre-Positioning

Immediate Response & Pre-Positioning	Completion	County	Date Began	Estimate	State Costs	FEMA Eligible	Payment begin:
John Day	Yes	Grant	4/17/23	\$100,000	\$100,000	No	July/August
Quarry Fire	Yes	Lane	5/28/23	\$15,290	\$15,290	No	July/August
Hat Rock	Yes	Umatilla	6/13/23	\$24,606	\$24,606	No	August/Sept
Milepost 87	Yes	Wasco	6/14/23	\$90,000	\$90,000	No	July/August
Moon Mt.	Yes	Lane	7/4/23	\$12,000	\$12,000	No	August/Sept
Devil's Butte	Yes	Gilliam	7/11/23	\$75,000	\$75,000	No	August/Sept
Elm Street	Yes	Umatilla	7/19/23	\$15,000	\$15,000	No	August/Sept
Table Rock	Yes	Jackson	7/20/23	\$10,000	\$10,000	No	August/Sept
Golden	Yes	Klamath	7/22/23	\$40,000	\$10,000	\$30,000	August/Sept
Madras Pre-Position	Yes	Jefferson	8/4/23	\$192,960	\$192,960	No	Sept/Oct
Priceboro	Yes	Linn	8/4/23	\$128,640	\$128,640	No	Sept/Oct
Wiley	Yes	Linn	8/9/23	\$181,440	\$181,440	No	Sept/Oct
Lane Pre-Position	Yes	Lane	8/12/23	\$181,440	\$181,440	No	Sept/Oct
Bedrock	Yes	Lane	8/14/23	\$814,548	\$814,548	No	Sept/Oct
Prison	Yes	Umatilla	8/18/23	\$15,000	\$15,000	No	Sept/Oct
California Pre-Position	Yes	Lane	8/14/23	\$352,107	\$352,107	No	Nov/Dec
Liberty	Yes	Marion	8/23/23	\$95,600	\$23,900	\$71,700	Oct/Nov
Smith River Complex IR	Yes	Josephine	8/24/23	\$316,175	\$316,175	No	Oct/Nov
Bensel Road IR	Yes	Umatilla	9/3/23	\$184,430	\$184,430	No	Oct/Nov
Gold Beach Pre-Position	Yes	Curry	9/13/23	\$204,456	\$204,456	No	Oct/Nov
Aircraft Standby	No	Statewide		\$16,106	\$16,106	No	August/Sept
2023 Estimated Running Total				\$3,064,798	\$2,963,098	\$101,700	

* Numbers may not foot due to rounding