

BOARD ISSUE WORK PLAN

Issue #7: Wildfire Risk Management

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BACKGROUND

The Protection From Fire Program is the oldest (since 1911) and largest (397 FTE) program of the Department of Forestry, with a well established, understood and supported purpose and set of expectations. The program has recently undergone and completed a comprehensive program review and is currently well along the way to implementing the bulk of the incremental program improvement recommendations from the review. As a result, the fire program typically has fewer substantive policy issues that rise to the level of requiring Board of Forestry action aside from the statutory responsibility to annually review and consider the district protection budgets and assessment rates for approval or adjustment.

However, there are two environmental change factors at work that give rise to policy issues that do warrant the Board's attention. These are the continuing expansion of residences into forested areas known as the wildland-urban interface (WUI) and ever-increasing accumulations of forest fuels, particularly on federal lands as a result of fire suppression and a failure to counteract its effects through appropriate forest management. Both of these factors are at work in the three issues presented below.

GOAL

Protect, maintain and enhance the health of Oregon's forest ecosystems, watersheds, and airsheds within a context of natural disturbance and active management. (FPFO - Strategy F)

OBJECTIVES

OBJECTIVE 1: Make optimum use of the opportunities presented by the National Fire Plan to enhance Oregon's long term forest health and sustainability, through process improvement that: a) seeks to collaborate with, and clarify and define roles of local coordinating groups, and state and regional authorities; b) develops strategic direction for the prioritization of competing fuels reduction projects, community planning and education efforts; c) utilizes recently refined communities-at-risk priorities in decision-making; and d) provides fully transparent criteria and process, and involves appropriate partners in allocating limited grant monies to qualified applicants according to the priorities developed in b) above.

Current Issues

The National Fire Plan (NFP) was developed in August 2000 following a disastrous wildland fire season in the western United States. Over the next year, responding to Congressional directives, the Secretaries of the Interior and Agriculture and western Governors jointly developed a long-term national strategy to address the issues. The outcome was called "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, 10-Year Comprehensive Strategy". Several months later an implementation plan was completed. An expectation of the plans implementation was the "close collaboration among citizens and governments at all levels."

National Fire Plan implementation in Oregon is coordinated on a USFS regional basis that includes the states of Oregon and Washington. It is guided by the Pacific Northwest Wildfire Coordinating Group (PNWCG), an interagency group of agency level professional fire managers providing leadership in interface and wildland fire management for local, tribal, state and federal agencies and their constituents to enhance firefighter safety and protection of life, property, and natural resources.

In June 2003, the Western Governors Association (WGA) issued Policy Resolution 03-18, and formed an advisory committee to assist WGA with forest health policy issues. The Forest Health Advisory Committee (FHAC) met in March 2004 and one of the recommendations that came to the forefront was: *Review Progress to Date on Implementation of the 10-Year Comprehensive Strategy and Develop Recommendations to Governors on New Action Items.*

The progress review was conducted over the summer utilizing a survey of participants at all levels and a report was issued in November, 2004. The Department of Forestry and Oregon stakeholders contributed significant input to the report. The review found that “as of 2004, approximately 75 percent of the action items agreed to in the 10-Year Strategy are reportedly completed or in their final stages. In addition, significant related wildfire/forest health policy and legislative initiatives have recently been undertaken.” It also found that “a number of themes arose throughout this evaluation that should be heeded as work proceeds on all four goals of the 10-Year Strategy:

- a need for information sharing and monitoring of accomplishments and forest conditions to improve transparency,
- a need for committed long-term funding of the 10-Year Strategy,
- the need for a landscape-level vision for restoration of forests,
- the importance of promoting fire as a management tool, and
- a strong call for improved collaboration at all levels of government and in all 10-Year Strategy activities as appropriate.”

The following quote was taken from a summary of FHAC Survey Responses:

“The collaborative framework is not being used consistently at the local, state and national level as called for in the 10-Year Strategy. Most collaboration is occurring locally when an effective leader(s) emerges from within participating parties. Success is greatest when locals believe that they have a place at the table. Collaboration on project prioritization and implementation at the state / regional level is improving, but seems to be somewhat exclusive (“by invitation only”) and frequently is not broadly inclusive as agreed to in the 10-Year Strategy.”

Many opportunities exist for the Department of Forestry to further its efforts on National Fire Plan implementation. With the WGA progress report in hand and direct experience with many of the areas where improvement opportunities exist, it seems appropriate for ODF and the other NFP partners in Oregon to engage in a process check and explore improvement opportunities. Limited funding in the future will naturally flow to the most effective organizations and partnerships.

One of the Board's challenges is to find ways to positively influence issues affecting federal land management, federal fire management and the federal response to forest health issues so that their vision for healthy Oregon forests can be realized.

Board Products

- Based on discussions within the PNWCG, other responsible federal authorities, landowner/stakeholder input and staff reviews, and in coordination with federal requirements and associated efforts, the Board will determine what policy and organizational proposals are necessary to improve National Fire Plan implementation in Oregon.

Research and Information Needed

- The department, collaboratively with PNWCG and others, will conduct a midcourse implementation review to look for opportunities to improve process clarity, improve collaboration, transparency and to improve on implementing the 10-Year Strategy and achieving the objectives of the National Fire Plan. The staff will report results of this review to the Board.

Stakeholder/Public Involvement

- The midcourse review will be a professionally facilitated discussion involving PNWCG, affected workgroups and other affected parties.

Timeframe with Milestones

- The timeframe for this work plan will be from July 2005 through June 2007.

July 2005 - Work plan reviewed by the Board.

September 2006 - Progress report to Board on facilitated discussion. Obtain the Board's direction on course adjustments.

June 2007 – “Final” status report on implementation of revised criteria and processes.

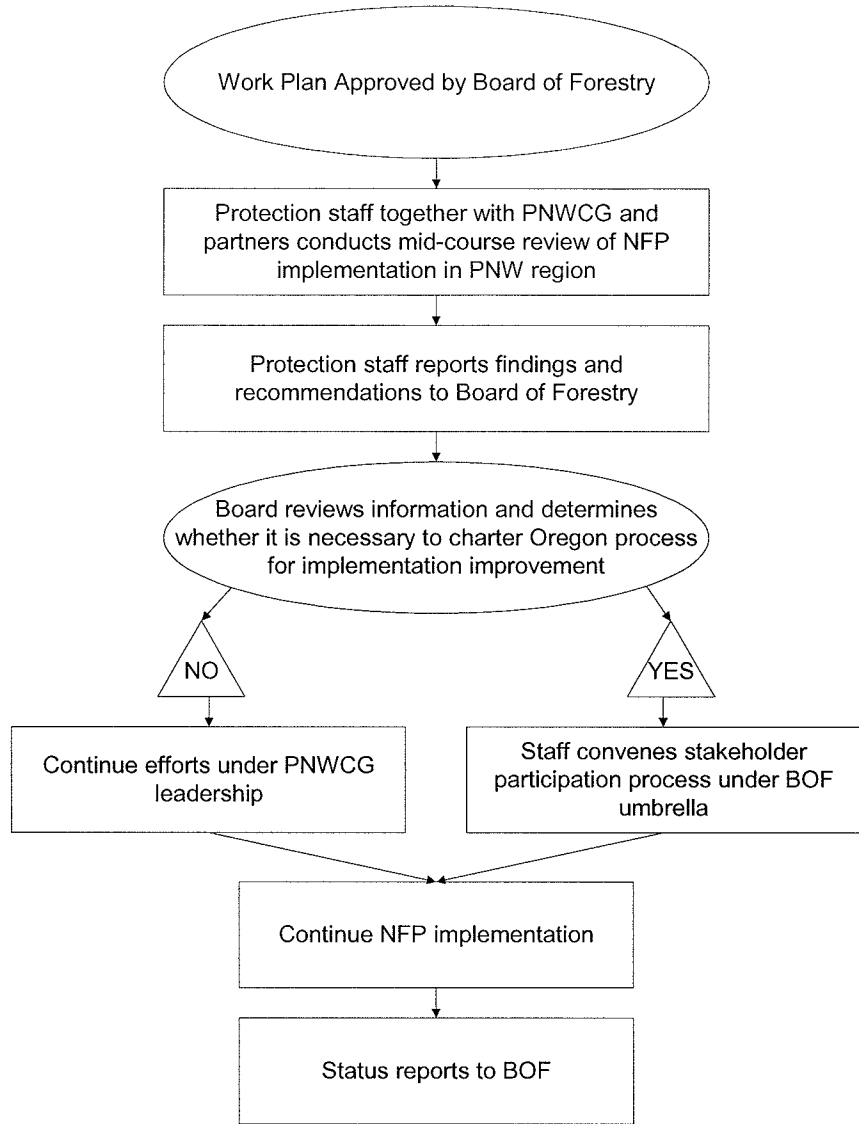
Resources Required

- No additional Staff resources are necessary.

Monitoring Achievement of this Objective

- Objective 1 will have been met when local, regional, state and federal National Fire Plan partners have fully discussed and considered alternative processes for implementation of the NFP in Oregon (and the Pacific Northwest Region), a strategy for prioritization of projects (including communities-at-risk ranking) has been agreed to, all affected parties have been provided the opportunity to fully understand the criteria and process for grants distribution, and at least one cycle of grants distribution has been completed using the revised process.

Flow chart



NFP Improvements Flowchart.vsd/Jaz A (Visio)
September 27, 2005

OBJECTIVE 2: Review the adequacy of the Forestland-Urban Interface Fire Protection Act of 1997 (Senate Bill 360) standards that apply to vacant lots and make identified changes, if needed.

Current Issues

The Oregon Forestland-Urban Interface Fire Protection Act of 1997, more commonly known as “Senate Bill 360” was designed to address the growing problem of fire in the wildland-urban interface. Unlike most other western states, Oregon has not yet suffered a truly catastrophic interface fire. Recognizing that such an incident was increasingly likely, the Legislature passed the Act, to encourage landowners, prior to a fire originating on their property, to apply standards designed to minimize or mitigate the hazards of such a fire. The standards were to be developed with input from affected property owners and then set forth in administrative rules by the Board of Forestry.

The subject of whether or not vacant lots should be subject to the Act and how they should be treated was discussed during the Legislature’s deliberations on the original drafts of the bill. Ultimately, they decided to include language in the final version of the bill, which allowed, but did not require, the development of standards related to vacant lots.

How vacant lots should be addressed in the standards was a significant topic during the administrative rule development process. Especially in Deschutes County, this subject was discussed and debated at a number of meetings and was the principal reason for at least one field trip of the committee.

At one extreme, was the view that all interface vacant lots should be subject to significant fuel reduction requirements. This approach, however, could have resulted in vacant lot owners being required to clear more land than adjoining owners who had a structure. Additionally, based on input from contractors, it was determined that even a small lot could be very expensive to fully treat. At the other extreme, it was advocated that vacant lots should just be ignored.

Between the extreme viewpoints, a consensus formed around the idea that some, but not all, vacant lots should be treated. The greatest impact caused by vacant lots, appeared to be where numerous, very small vacant lots were interspersed with similar sized lots containing structures. In such situations, even if the owner of an improved lot fully complied with the standards, a significant risk remained because of close and heavy fuels on adjacent vacant lots. Also, such areas tend to have poor roads and limited access, which exposes residents to added dangers, in the presence of a wildfire. Because of such circumstances, found primarily in central Oregon, the classification of “High Density Extreme” was created.

Vacant lots are currently addressed only in the High Density Extreme classification. Owners of such lots are required to establish a twenty-foot wide fuel break adjacent to all neighboring properties and roads. This standard represented a compromise between the two extremes described above.

In the spring of 2004, several homeowner organizations, the Upper Deschutes River Natural Resources Coalition and some individuals approached the Department with concerns about the

adequacy of the vacant lot standards. While their concerns varied, they centered on two topics: the number of lots which were not subject to the standards and the adequacy of the fuel modification standards that apply to subject lots.

Three individuals testified to the Board, during the July 2004 meeting in Bend, about their concerns of the adequacy of vacant lot standards. Since that time, a brisk exchange of correspondence and communication has taken place with the involved parties. They repeatedly requested immediate changes to the standards which neither the Department nor the Board were legally authorized to make.

Vacant lots are currently addressed only if a county committee places them into the High Density Extreme classification. Proponents of a change would like vacant lot standards to be expanded to include all lands classified as Extreme and all lands classified as High. Changing the standard to encompass all vacant lots classified Extreme would extend the requirements to an additional 9,566 lots in Deschutes County and to 2,667 more lots in Jackson County. Further extension to include the High classification would draw in lesser numbers of vacant lots. The county committee in Jackson County decided to classify no lots as High Density Extreme, so the proponent's suggested change would affect fewer lots, but would result in an even more fundamental change to what landowners are currently required to do.

Adoption and implementation of proposed changes, if pursued, can be expected to be controversial. Many more property owners would be potentially subject to more difficult and more expensive to meet requirements. Additionally, some other agencies, such as the Department of Fish and Wildlife, may feel the enhanced standards conflict with certain of their values.

Board Products

- Potential OAR changes relative to implementation of SB 360.

Research and Information Needed

- An advisory committee will develop and submit an "issue paper" to the Board. This paper will include the current standards which apply to vacant lots, the advantages and disadvantages of standards changes requested by change proponents, and recommendations on whether standards changes are needed.

Stakeholder/Public Involvement

- The Department will select landowners and others to serve on an advisory committee, to accomplish this objective.
- Given the potentially controversial nature of this issue, the Board will want to hear from a cross-section of interest groups and stakeholders that may be affected. These could include, but are not limited to:

Neighborhood Associations.
County governing bodies.
Insurance industry

Oregon State Fire Marshal
Individual affected property owners,
Rural and city fire departments.
Other state agencies.

Timeframe with Milestones

- The timeframe for this work plan will be from June 2005 through January 2007.

June 2005 - Work plan reviewed by the Board.

July 2005 - Members of Advisory Committee appointed.

March 2006 - Board reviews issue paper; makes decision whether or not to proceed with drafting of administrative rule changes.

September 2006 - Board reviews proposed administrative rule changes; makes decision whether or not to proceed.

January 2007 - Board approves administrative rule changes.

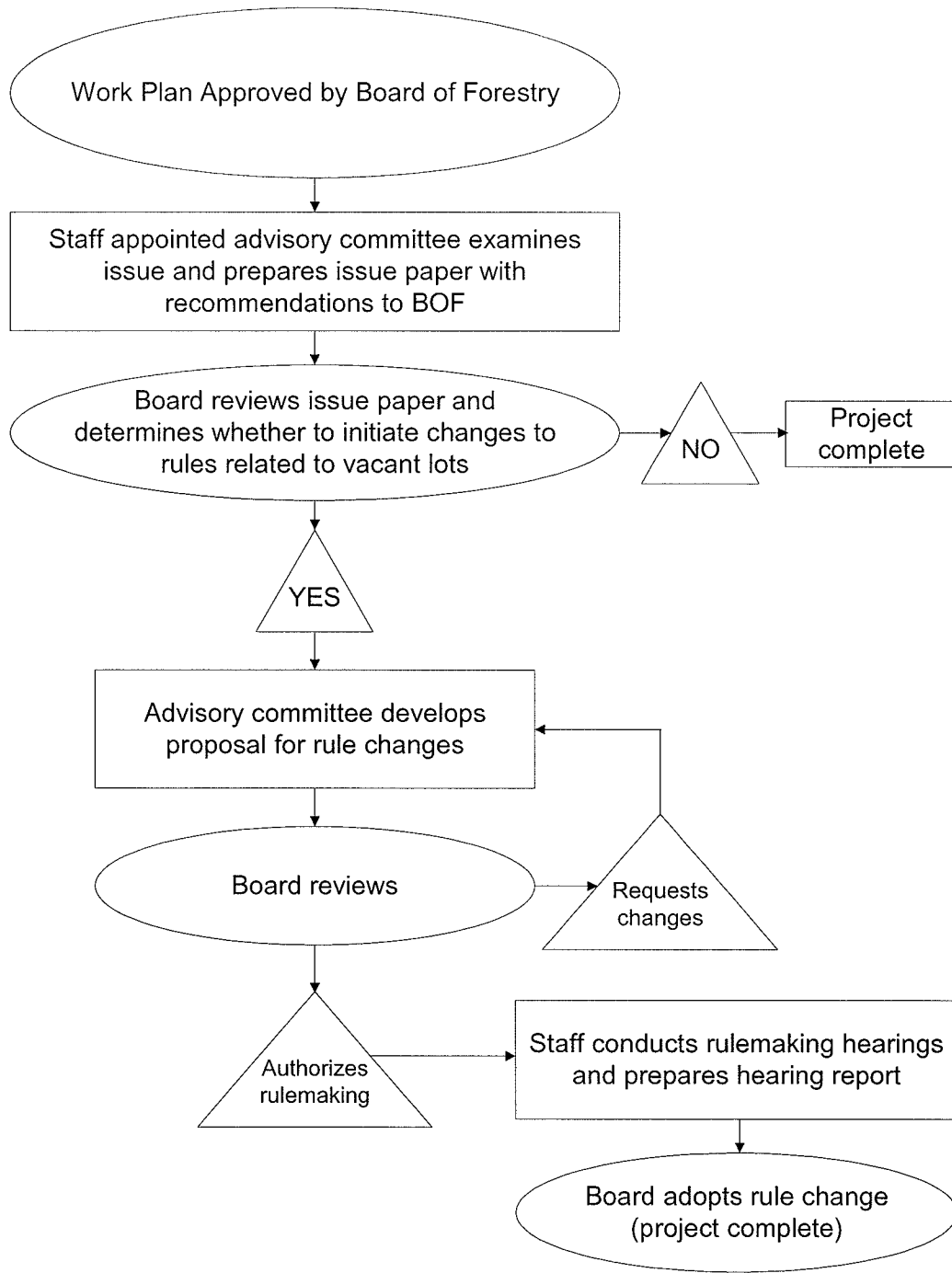
Resources Required

- No additional staff resources are required.

Monitoring Achievement of this Objective

- The Board's dispensation of the advisory committee's recommendations will constitute achievement of this objective.

Flowchart



NFP Improvements Flowchart.vsd/Jaz A (Visio)
September 27, 2005

OBJECTIVE 3: Revise the Smoke Management Plan so that land management objectives and air quality requirements are met.

Current Issues

The Oregon Smoke Management Plan was developed as a voluntary program in 1969 and adopted as a regulatory program by the State Forester and the Environmental Quality Commission (EQC) in 1972. By law, the plan requires joint approval of both the State Forester and the EQC. The plan has gone through several major revisions since then. The last major revision to the plan was completed in 1992. Minor revisions occurred in the mid-90's and rule changes affecting fees were implemented in 2004.

The Smoke Management Review Committee, a broad-based group, was established in 2002 to provide recommendations to the State Forester about the adequacy and currency of the plan. Periodic reviews of the plan are part of the plan requirements, but major reviews had not been undertaken because of uncertainties about changes in federal air quality regulations.

The Smoke Management Plan's overall purpose is to keep the smoke from forestland prescribed burning from being carried to specific designated areas and other areas sensitive to smoke. The plan is a framework through which emission reduction goals were achieved. The State Forester administers the plan, in cooperation with landowners, land management agencies and air quality agencies. The plan applies to state, federal, and private forestland in Oregon. Mandatory smoke management constraints apply to burning in western Oregon, the Deschutes National Forest, and federal forest lands in the Blue Mountains of northeast Oregon. Voluntary programs are in effect in the Klamath Falls and Lakeview areas.

Changes have occurred in fuel conditions, short-term climate, and state and federal air quality regulations since the last major revision of the Smoke Management Plan. As a result, the Smoke Management Review Committee was charged with: 1) looking at the current objectives and the issues that have developed over the years and 2) making recommendations for changes that are needed in the plan.

Board Products

- Amended policies and rules that clearly identify requirements of the revised Smoke Management Plan.

- Statutory change proposals needed for the operation of the plan, to be submitted for consideration by the 2007 Oregon Legislative Assembly.

Research and Information Needed

- The Smoke Management Review Committee's recommendations for changes in the Smoke Management Plan. The key recommendations were presented to the Board in written form at its April 2005 meeting.

- A set of proposals to take forward for changes in the plan, identifying a schedule for plan changes. There will be some changes that may take longer to implement than others. The Board will be informed of concepts that are being considered to take through public rulemaking hearings.

- Funding options that are developed during the course of this work plan could possibly affect other program's funds in the department's budget.
- The range of acceptability of changes may be limited by which options the Environmental Quality Commission is willing to accept.
- Considerations of EPA's Regional Haze Rule requirements may set the lower limit of acceptability for changes that will be required in the Smoke Management Plan.

Stakeholder/Public Involvement

- The broad-based Smoke Management Review Committee was established in 2002 to provide recommendations to the State Forester about the adequacy and currency of the plan.
- Staff plans to convene the statutorily identified Smoke Management Advisory Committee to specifically address funding issues for the Smoke Management Program.
- The Board will be requested to authorize joint public hearings with DEQ. The Board, in concert with the Environmental Quality Commission, will be asked to adopt the changes that are necessary in rule or policy, then submit them for approval by EPA.

Timeframe with Milestones

- The time frame for this work plan will extend from June 2005 through December 2006 for final amendment of rules and policies. Implementation of changes would likely occur in January 2007. Work will continue through 2006 for the development of any draft legislation. Any approved legislative proposals will then be worked on during the 2007 legislative session. The rule adoption process may continue through December 2007 as a result of any 2007 legislative changes.

September 2005 – Work plan reviewed by the Board.

November 2005 – Begin workgroup and Smoke Management Advisory Committee work and discussion of funding options.

March 2006 – Board review and comment on agency implementation plan.

September 2006 – Board requested to authorize rulemaking process for changes to the Smoke Management Plan.

March 2007 – Board requested (jointly w/EQC) to approve revisions (rules) to the Smoke Management Plan.

July to December 2007 – Rulemaking process for any changes needed as a result of 2007 legislative action.

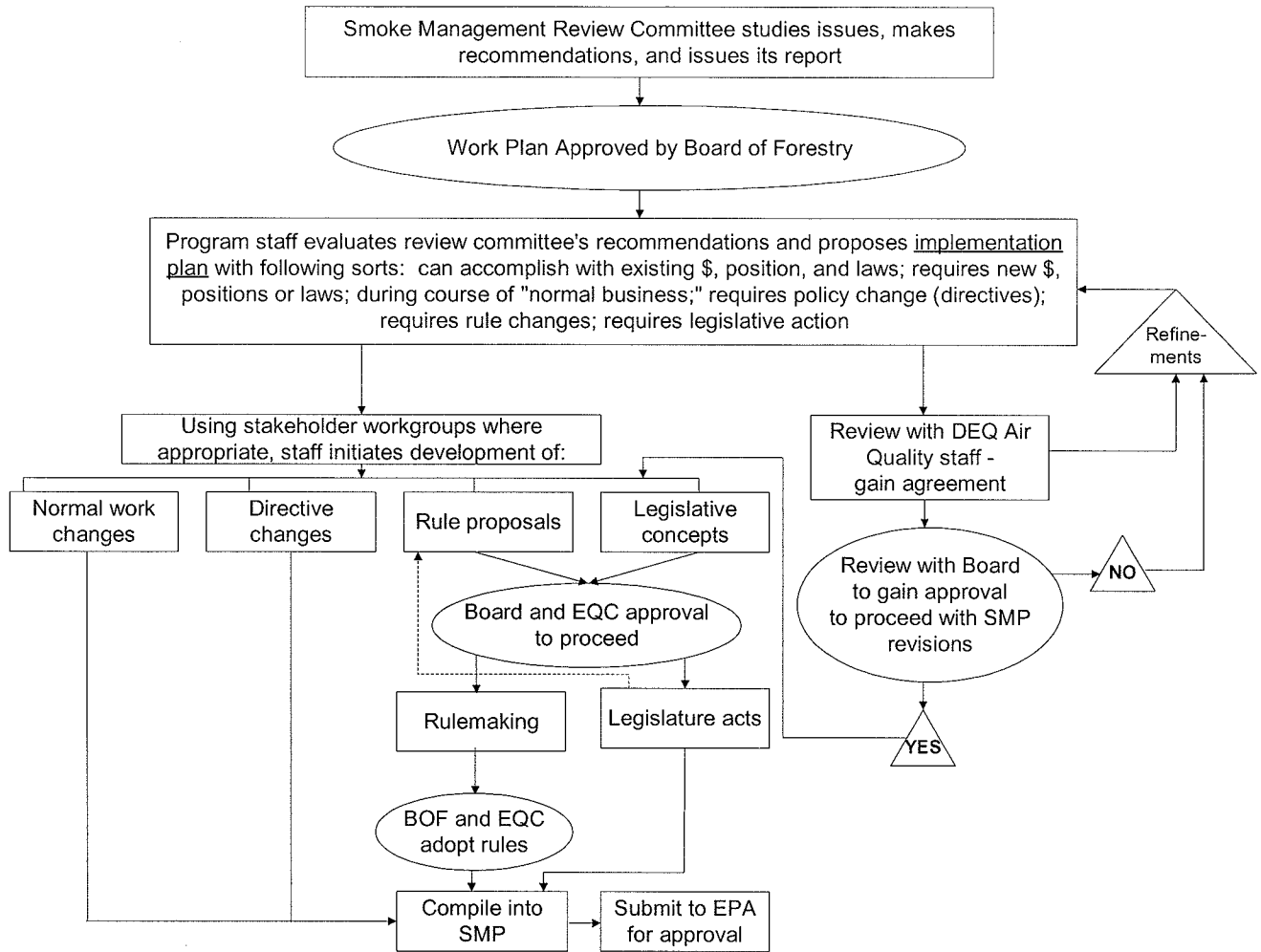
Resources Required

No additional staff resources are required.

Monitoring Achievement of this Objective

Adoption of proposed new smoke management rules by the EQC and BOF, and submittal to EPA as a State Implementation Plan revision will constitute successful completion of this objective.

Flow chart



Smoke Management Plan Flowchart.vsd/Jaz A (Visio)
September 29, 2005