

Work Plan: **Fire Protection**

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**ORS 477.005** *“The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon”.*

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Forester. Periodic approval for the initiation and formation of Rangeland Protection Associations. Receive update on fire salvage and restoration. Receive fire season reports. Receive Cohesive Strategy updates - Blue Mountain pilot project. Receive report on 2013 HB 3109 – Impacts of Pole Creek fire.

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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's mission is to protect Oregon forestlands from fire, through a complete and coordinated system with our cooperators, including fire prevention, suppression, investigation and cost collection. The overarching programmatic goal is to minimize the cost of suppression and the value of loss to resources by aggressive wildland fire initial attack, secondary only to the protection of human life.

There are several policy issues affecting the protection program that warrant the Board's attention this coming year. Maintaining a complete and coordinated protection system requires periodic review and revisions of policy ensuring a dynamic and sustainable program that encourages participation by stakeholders and cooperators. This draft plan outlines key policy work that the Board has already committed to and/or anticipates making decisions on during 2014.

## **FORESTRY PROGRAM FOR OREGON (FPFO) LINK**

Go to internet link for full text: [http://www.oregon.gov/odf/board/docs/2011\\_fpfo/fpfo\\_2011.pdf](http://www.oregon.gov/odf/board/docs/2011_fpfo/fpfo_2011.pdf). The Board's Fire Protection Work Plan links most directly to the FPFO, Goal F and the topics identified under this goal.

**Goal F:** Protect and improve the health and resiliency of Oregon's dynamic forest ecosystems, watersheds, and airsheds.

1. Active fuels and vegetation management
2. Wildfire suppression cost control
3. Wildfire risk reduction/ecosystem improvement
4. Wildfire, insects, and diseases protection
5. Wildfire suppression priorities
6. Climate change adaptation and mitigation
7. Forest landscape resilience
8. Smoke management

## **TOPIC 1: Wildfire Protection Act – Strategic Investments**

### ***Context***

The passage of the 2013 Wildfire Protection Act (HB 2050) provided four elements to help reduce the number of large, costly and damaging wildfires. These four elements are;

1. Leveraged new OFLPF revenues to increase statewide severity resource capacity
2. Phased in over three biennium an equitable 50|50 funding of large fire costs
3. Provides new GF to address the costs of fire protection on low productivity lands
4. Added new authority for strategic investments

The strategic investment component is the only one not yet realized. The bill language states: *Paying for nonroutine purchases of supplemental fire prevention, detection or suppression resources that will enhance the ability of the forester to perform fire protection responsibilities within a forest protection district.*

The development of the strategic initiatives process and guidelines will be a collaborative approach with the Emergency Fire Cost Committee (EFCC), and a statewide landowner and stakeholder committee. This statewide committee will develop governance and process for implementation and identify an initial opportunity pool with recommendations on near term priority investments.

### ***Board Products/Deliverables***

- Lead and support efforts associated with developing the strategic initiative process and guidelines.
- Review and comment on possible EFCC rule revisions.
- Consider and approve Policy Option Package as needed

### ***Tasks***

- Direct the Department to convene a workgroup consisting of stakeholders and Department staff to begin developing a process and guidelines for strategic investments. (BOF liaison – Gary Springer)
- Board receives updates from EFCC on rules
- If needed direct the Department to develop a 2015 Policy Option Package to implement priority investments.
- Board to consider and approve Policy Option Package.

### ***Stakeholder/Public Involvement***

- Stakeholder involvement through workgroups.
- Public comments accepted on topic at Board meetings.
- Public hearings consistent with rule making process.

### ***Timeframe with Milestones – TBD***

## **TOPIC 2: Rangeland Protection Associations**

### ***Context***

Much progress has been made in eastern Oregon towards addressing the issue of unprotected lands outside of ODF's protection districts. With over 6 million acres originally identified a decade or more ago, now there is an estimated 1 million remaining that would be suitable for the establishment of new Rangeland Protection Associations (RPA's). Due to all the great successes over the last decade and creation of now 18 RPA's, the focus from the department likely needs to adjust slightly from the posture of creation towards a maintenance and enhancement mindset and approach.

Additionally, sage grouse habitat exists on many of these acres, which is at risk of being listed and one of the major threats is the loss of habitat from fire. The Board of Forestry's RPAs have been a true success in providing a basic level of protection from fire. With the recent growth in RPAs and the collaborative work happening through the SageCon process there is an ever increasing need for coordination and support of the RPAs.

### ***Board Products/Deliverables***

- Lead and support effort for coordination with RPA's and stakeholders to improve overall effectiveness of the program.
- As needed, consider and approve 2015 Policy Option Package (POP)

### ***Tasks***

- Direct the Department to coordinate with the Sage Con group to gain support for the current work effort.
- As needed, direct the Department to form an eastern Oregon landowner /stakeholder group to coordinate with counties, landowners and other cooperators to explore all options to address gaps and opportunities. (Opportunity for Board liaison)
- If needed, direct the Department to develop a 2015 Policy Option Package (capacity and funding)
- If needed, consider and approve Policy Option Package

### ***Stakeholder/Public Involvement***

- Stakeholder involvement through establishment of a workgroup that will include RPA members.
- Public comments accepted on topic at Board meetings.

### ***Timeframe with Milestones – TBD***

### **TOPIC 3: Smoke Management Plan**

#### ***Context***

The Smoke Management Plan (SMP) is administered by the Oregon Department of Forestry (ODF) to manage prescribed burning on private, federal and other public land to protect air quality and maintain forest productivity and health. ORS 477.013 requires the State Forester and the Department of Environmental Quality (DEQ) to approve a plan. The plan is to be developed by ODF in cooperation with federal and state agencies, landowners and organizations that will be affected by the plan.

The Division has received permission from the Board to move forward with rulemaking of OAR 629-048 and will soon be conducting joint hearings with DEQ. The Division will come back to the Board to present the review and hearings report and seek adoption of changes to OAR 629-048.

#### ***Board Products/Deliverables/Tasks and Timeline***

- Board decision on final rules.

#### ***Stakeholder/Public Involvement***

- Smoke Management Review Committee – The committee is comprised of representatives from a broad range of interests including industrial, nonindustrial, federal, district, association, public, environmental, and tribal forestland ownership.
- Public hearings consistent with rule making process.
- Public comments accepted on topic at Board meetings.

#### ***Timeframe with Milestones***

##### February/March, 2014

- ODF conducts joint public hearings with DEQ.

##### June 2014

- Board considers and approves final rules.

##### June, 2014

- DEQ presents SIP and comments to EQC for approval.

## **TOPIC 4: Firefighter Legal Defense**

### ***Context***

In 2011, at the request of the Governor and the Board of Forestry, the Legislature enacted ORS 477.128, allowing the State Forester to expend monies to provide legal defense of a firefighter, if that firefighter is charged with a crime as a result of decisions made in the due course of suppressing a fire. As a matter of prudence, and as suggested by some of the legislators involved in discussions with the Department, it would be appropriate to establish rules for the State Forester's review of the circumstances leading to a potential expenditure, and possible limits and procedures for managing the costs of such a defense.

### ***Board Products/Deliverables***

The Board will be asked to promulgate a set of Administrative Rules.

### ***Tasks***

- Board direction and support for the Department to convene a workgroup.
- Board reviews draft rules proposed by Department and directs rule making process consistent with the Administrative Procedures Act.
- Board decision on final rules.

### ***Stakeholder/Public Involvement***

- Stakeholder involvement through the workgroup to formulate rule concepts.
- Public comments accepted on topic at Board meetings.
- Public hearings consistent with rule making process.

### ***Timeframe with Milestones***

#### **June, 2014**

- Board directs the Department to begin rule promulgation

#### **November, 2014**

- Board considers and approves rules

## **TOPIC 5: Forest Protective Association Agreements**

### ***Context***

Each of the Forest Protective Associations has a forestland protection agreement with the State Forester that either establishes the terms of protection of their member lands by the State Forester in the case of non-operating associations, or that contracts the operating associations to protect non-membership lands in their districts. Until recently, most of the agreements had not been updated since the 1960's and 70's. The Board has already reviewed and approved updates for eight of the twelve association agreements between 2005 and 2013. Two more updates are currently in progress, with the remaining two anticipated within the next two to three years.

### ***Board Products/Deliverables/Tasks***

Approval of updated agreements in conformance with the Board's rules under OAR 629-041-0100. Agreements considered by the Board will have gone through the following processes:

- Staff will continue to work with FPA Boards of Directors and District Foresters to negotiate updated agreements.
- Agreements will undergo legal sufficiency review by the Department's legal counsel.
- After final agreements are signed by the parties, they will be presented to the Board for review and approval.

### ***Stakeholder/Public Involvement***

- Staff will work directly with the FPA Boards of Directors and provide updates as necessary at FPA biannual meetings that include a broader range of landowners and stakeholders.
- Public comments may be accepted on topic at Board meetings.

### ***Timeframe with Milestones***

The pace of agreement updates are contingent upon involved parties gaining understanding and acceptance of new and revised agreement language.

## **TOPIC 6: Fire Prevention**

### ***Context***

With the recent advances in logging and forest management practices, some of the industrial fire prevention rules, Oregon Administrative Rule Chapter 629 Division 43, are outdated and in need of a review. The fire prevention rules have not had a thorough review since 1999 and several of our stakeholders have expressed an interest in assisting protection staff in forming a workgroup to start a review. The industrial fire prevention rules are a key element in the Department's fire prevention strategy. These rules are designed to assist landowners and operators in fire prevention tactics during industrial operations by requiring specific equipment and behaviors during fire season. It's very important to have updated and relevant industrial fire prevention rules that continue to prevent operation fires that have been some of our most costly, cost plus loss, human caused fires in the past.

### ***Board Products/Deliverables/Tasks***

The Board will be asked to approve updates to existing rules.

- Board direction and support for the Department to convene a workgroup.
- Board reviews draft rules proposed by Department and workgroup and directs rule making process consistent with the Administrative Procedures Act.
- Board decision on final rules.

### ***Timeframe with Milestones***

#### **June 2104**

- Board directs the Department to begin rule promulgation

#### **July, 2014**

- Board considers and approves rules

## **TOPIC 7: Annual and Ongoing Topics**

### ***Context – Annual Work***

Approve District Budgets. As directed by statute, at the June Board of Forestry meeting, “The State Board of Forestry shall annually review the forest protection district budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein.”

Association Letters. In each of the agreements with the non-operating forest protective associations, there is a requirement that each association will provide “...an annual letter from the Association to the Forester providing input on Department operations affecting the District or the Association (to be transmitted to all members of the Board)...” (State Forester letters).

Rangeland Protection Association formation. Periodically, a request for a public hearing on the possible formation of a Rangeland Protection Association (RPA) will come before the Board for approval. Based on the outcome of the hearing, the Board may receive a request for approval on the formation of an RPA.

2013 Fire Season. The Board will receive an update on the efforts on fire salvage and restoration on the 2013 fires in Douglas County. This will include a tour of the burned area.

2014 Fire season Updates – During fire season the Board will receive periodic updates on the current fire season.

The Board will receive periodic updates on the Cohesive Wildfire Strategy implementation and the progress on the Blue Mountain pilot project.

The Board will receive an update on 2013 HB 3109 which requires the Oregon Health Authority and the Department of Forestry to provide a report on the impacts of the 2012 Pole Creek fire on public health, fish, wildlife and aquatic habitat.

### ***Board Products/Deliverables and Timeframe***

At each June Board meeting, the budgets for the forest protection districts and rangeland protection associations, and copies of the State Forester letters will be presented to the Board for consideration as directed in statute and the association agreements.

### ***Tasks***

Review and approve forest protection district and rangeland protection association budgets and the prorated acreage rates.

### ***Stakeholder/Public Involvement***

- Prior to the June Board meeting, the forest protection district budgets are developed through local budget committees made up of landowners, reviewed and discussed at the forest protective association meetings, and required to go through a public hearing at district and unit offices.
- Public comments may be accepted on topic at Board meetings.

## Oregon Board of Forestry Work Plans - Protection 2014 Matrix

Fire Protection Work Plan	Board of Forestry Agenda						
	Jan	Mar	Apr	June	July	Sept	Nov
<b>Implementing the WPA – Strategic Investments</b>							
<i>Milestones</i>							
❖ Monitor Department/LO/Stakeholder committee work and consider Policy Option Package as needed	X			X			
❖ Receive updates from EFCC on WPA rule making	X			X			
<b>Rangeland Protection Associations</b>							
<i>Milestones</i>							
❖ Monitor Department/LO/Stakeholder committee work and consider Policy Option Package as needed	TBD						
<b>Smoke Management Plan</b>							
<i>Milestones</i>							
❖ Consider and approve rules				X			
<b>Firefighter Legal Defense – 2011 HB 2123B</b>							
<i>Milestones</i>							
❖ Direct Department to begin promulgation of rule language				X			
❖ Consider and approve rules							X
<b>Forest Protective Association Agreements</b>							
<i>Milestones</i>							
❖ Approve final agreements TBD	TBD						
<b>Fire Prevention</b>							
<i>Milestones</i>							
❖ Direct the Department to begin promulgation of minor rule language.				X			
❖ Consider Rule Approval						X	
<b>Annual and Ongoing Topics</b>							
<i>Milestones</i>							
❖ Approve Forest Protection District and Rangeland Protection Association annual budgets				X			
❖ Review letters from FPA's to the State Forester				X			
❖ Periodic approval for the initiation and formation of Rangeland Protection Associations	TBD						
❖ Receive update on fire salvage and restoration (Tour)			X				
❖ Fire Season Reports				X	X	X	
❖ Receive Cohesive Strategy updates – Blue Mountain Pilot							
❖ Receive report on HB 3109 – Impacts of wildfire	X						