

Property owners may bear brunt of new fire risk law

Oregon's new approach worries some rural property owners

By **JAYSON JACOBY**
Baker City Herald

BAKER CITY — Wes Morgan is an enthusiastic supporter of the effort to protect Oregon's rural homes from wildfire. His own, for instance. Morgan, who is chief of the Powder River Rural Fire Protection District, an all-volunteer agency with a station just outside Sumpter, has endeavored to reduce the risk of fire on his property among the ponderosa pines of Sumpter Valley.

He maintains a lush green lawn as an effective fire break. He prunes the pines to deprive the trees of a ladder that flames could climb into the combustible crowns. He stacks his firewood a safe distance from his home and makes sure needles and other tinder don't accumulate on his roof.

Yet for all that, Morgan is troubled by the prospect of the state compelling property owners, possibly including some of his neighbors, to take similar precautions under penalty of law.

"There are a lot of people that need to do something" to protect their properties, Morgan said. "But I have mixed feelings."

His ambivalence stems from a law the Oregon Legislature passed in 2021.

Senate Bill 762 requires, among other things, that the state create a map that shows a wildfire danger level for every tax lot. That map, which the Oregon Department of Forestry recently released, also shows the boundaries for what's known as the wildland-urban interface — WUI — areas with homes that are within or near forests or rangelands where wildfires are more likely.

Properties that are both within the WUI, and that have a wildfire risk rating of either high or extreme (on a five-level scale that also includes no risk, low and moderate risks) could be required, also under Senate Bill



Wes Morgan/Contributed Photo

Wes Morgan has strived to protect his Sumpter Valley home from wildfire by maintaining an expanse of lush green lawn, pruning limbs from the ponderosa pines and taking other steps.

762, to create the same sort of defensible space that Morgan has around his home.

Such property owners might also have to comply with changes in building codes.

Morgan isn't comfortable with the state mandating the kinds of work he undertook on his property.

But he's even more troubled by the process the Department of Forestry has used.

In July the agency mailed letters to 250,000 to 300,000 property owners whose land is within the WUI and has a wildfire risk rating of high or extreme.

Morgan is among the recipients. His letter is dated July 21.

"I think this letter caught a lot of us off guard, including me," Morgan said on Tuesday, Aug. 2. "I think the state got the cart before the horse."

He cites the letter itself. It reads, in part: "You may be required to take actions to create defensible space around your home and adhere to changes to building code requirements. Both of these regulatory processes are still in development."

The problem, in Morgan's view, is that he and tens of thousands of other property owners are left to wonder what they might be required to do, and when.

According to the Forestry Department, the Oregon State Fire Marshal is working on the defensible space requirements. The agency is slated to adopt those in December 2022, and take effect in 2023.

The state Building Codes Division is responsible for the building code requirements mentioned in the letter to property owners.

The agency is scheduled to adopt codes Oct. 1, 2022, and those will take effect April 1, 2023.

Sumpter the most heavily affected part of Baker County

On the Forestry Department's new map — www.oregon.gov/odf/fire/pages/wildfire-risk.aspx — Sumpter stands out among Baker County communities.

The entire community, which has about 212 residents and 500 homes, is both within the WUI and has a wildfire risk rating of either high or extreme. Sumpter is, in effect, a town within a second-growth ponderosa pine forest.

Kurt Clarke, chief of the volunteer Sumpter Fire Department, said as far as he can tell, every Sumpter property owner got a version of the letter that Morgan received.

Clarke said he's talked with

a few residents who wonder whether, or how, the pending regulations under Senate 762 will affect them.

Others, he said, worry that their homeowner insurance policies could be canceled because, based on the map, their homes are in a high or extreme fire risk area.

(Most of the city's tax lots are rated as high risk, with some scattered lots in the extreme category.)

Like Morgan, Clarke promotes defensible space tactics such as pruning trees and clearing the ground of needles and limbs.

He said the fire department and city officials encourage residents to take such precautions. Clarke believes Sumpter has made progress over the years.

The city allows residents to bring yard debris to a city property where it can be safely burned, Clarke said.

"My citizens, I've got to say, are very fire savvy," he said.

Still and all, Clarke said he believes it can be hard for some property owners to truly understand how devastating a wildfire can be if they haven't personally experienced a catastrophe such as what befell Paradise, California, in 2018, or another Northern California town, Greenville, just a year ago.

"Some people don't think it's going to happen," Clarke said.

Others concerned about potential effects

Morgan's concerns about Senate Bill 762 are far from rare.

The Forestry Department received about twice as many public comments opposed to the wildfire risk mapping than in favor, mainly from people who believe the WUI areas are too large, said Tim Holschbach, the agency's fire prevention and policy manager.

Mike Shaw, chief of the Forestry Department's fire protection division, said the agency will be in a "fish bowl" of scrutiny due to Senate Bill 762 and its potential effects.

"The agency's work is not done. The work will continue through this year. We know we're not going to be perfect," Shaw said. "There will be adjustments in the future. This is a great first step."

The Oregon Farm Bureau has been one of the more vocal groups concerned about the effects of the wildfire risk map and the WUI boundaries.

The Farm Bureau criticized Senate Bill 762 for its "top-down" approach to reducing the wildfire risk in rural areas.

The number of properties both within the WUI and with a wildfire risk rating of high or extreme is smaller than the Farm Bureau anticipated, however.

According to the Forestry Department, about 120,276 tax lots — 8% of the state's total — meet both of those criteria, but about 80,000 of those have a home or other structure that might be subject to the defensible space or building code regulations.

Barns and other outbuildings are exempt from the requirements.

However, Lauren Smith, the Farm Bureau's director of government and national affairs, said she's concerned that the state might end that exemption in the future.

"We're always going to be uncomfortable because we will have properties that fall into that high and extreme risk WUI," Smith said.

— Capital Press reporter Mateusz Perkowski contributed to this story.

Old school in Hermiston serves as police training site

By **PHIL WRIGHT**
East Oregonian

HERMISTON — Oregon State Police led local officers on training that mimicked real-world situations, including working in blazing heat.

The training took place July 29-30, in Hermiston at the former Rocky Heights Elementary School. Hermiston Police Chief Jason Edmiston said the plan was to allow the OSP SWAT team to what training it could do, then state police would oversee training for local patrol officers

that would serve as a reminder to how to respond to certain situations, such as a building alarm or even an active shooter.

State police provided six instructors, he said, and about 20 officers from Hermiston police, Umatilla police and the Umatilla County Sheriff's Office participated each day.

The trainings took place in the mornings to mid afternoons, and other than the high heat, Edmiston said, the report he received was this was a boon.

Putting together this particular training started about six months

ago, the police chief said, but he started the wheels rolling in early 2020, after Hermiston School District voters approved a bond for new facilities. Edmiston said that opened up the possibility of training at a site the district no longer would need.

Hermiston police did this before at the former Armand Larive, and in this case it was the former Rocky Heights Elementary School.

The school is getting ready for demolition, he said, and that makes it a prime place for police to use. Officers had to enter dark-

ened rooms and navigate around debris and obstacles on floors.

"It just feels a little bit more real world rather than something that's staged," Edmiston said. "You never know what kind of situation you go into."

Once the plan was set with OSP sending its staff and local agencies committing to attend, not even the sweltering heat was going to postpone the training. And other than having to deal with the heat, Edmiston said the reports he heard was that the training was top notch.

In addition to working in a

more real-world environment, this kind of training with officers from different agencies improves communication in a crisis. Putting faces to names is important, he said, but when different agencies respond to the same emergency, it helps them to be able to talk to each other.

Case in point, he said, was the shooting in February at the Fred Meyer in Richland, Washington. Police from the Tri-Cities responded, but so did Hermiston police and other local law enforcement. That kind of coordination requires communication, he said.

Boating accident at McKay Reservoir claims a life

East Oregonian

PENDLETON — A Milton-Freewater man died Friday, July 29, from a boating accident at McKay Reservoir near Pendleton.

According to the Umatilla County Sheriff's Office, a 911 caller at 6:13 p.m. July 29 reported the accident, and sheriff's office marine deputies responded to the scene.

An investigation revealed eight occupants in a boat had been tubing on the reservoir. One in the group, Benjamin Ryan Camden, 41, of Milton-Freewater, was in the water. He attempted to get back into the boat when the transom ladder broke. "Camden was unable to



East Oregonian, File

Boaters on June 2, 2021, recreate on McKay Reservoir outside of Pendleton. A Milton-Freewater man died Friday, July 29, 2022, from a boating accident at McKay Reservoir near Pendleton.

pull himself into the boat, and it was decided he would hold onto the starboard handrail while the boat operator headed toward a boat ramp," the sheriff's office reported. While slowing motoring

toward the boat ramp, Camden lost his grip and slid under the boat. He suffered serious injuries to his lower left leg from propeller cuts.

Nearby boaters assisted Camden to shore and then

into a private vehicle that met with medics near the reservoir entrance. The ambulance rushed Camden to St. Anthony Hospital, Pendleton, where he succumbed to his injuries.

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