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81st LEGISLATIVE ASSEMBLY
SENATE COMMITTEE ON NATURAL RESOURCES & WILDFIRE RECOVERY
HOUSE SPECIAL COMMITTEE ON WILDFIRE RECOVERY

State Capitol
900 Court St. NE, Rm. 347
Salem, OR 97301
503-986-1731

May 2, 2021

Dear Governor Brown,

Thank you for your leadership over the past months as our state responds to and recovers from last fall's devastating wildfires.

As you know, we chair the legislative committees tasked with finding solutions to challenges as we recover from these fires, including efforts to clean up debris and hazard trees left behind by the devastating fires. This week our respective committees held hearings regarding the hazard tree removal work performed by the Oregon Department of Transportation (ODOT) on behalf of Oregon's Debris Management Task Force, as well as some removal undertaken on private property by Pacific Power.

We have serious concerns about some of the testimony we heard. As the recovery gains momentum, effective oversight and accountability to interested Oregonians remains critical. We were therefore very pleased to hear that ODOT, after hearing testimony at the April 28 Senate hearing, has engaged an independent contractor to enhance oversight activities on the ground.

While we agree that a temporary pause in the hazard tree removal phase of this project would be optimal for purposes of assessing the most serious allegations, we fully understand the importance of maintaining the recovery's momentum. In order to balance these objectives, and informed by the testimony in our two hearings, we respectfully offer these five recommendations:

- 1) We request that ODOT and its new contractor review allegations made last week, with particular focus on whether the qualifications of personnel marking trees conform to contractually-specified requirements, and provide any findings or recommendations as soon as possible. Implementing this inquiry in a rapid and robust manner will be key to our confidence, and that of the general public, that this project can responsibly move forward without interruption.
- 2) We request that ODOT immediately determine whether the practice of "optional" tree cutting, described in our hearings as the cutting of unmarked or inadequately marked trees for subjective reasons, is actually taking place. If it is, we ask that it be discontinued immediately until additional information is provided regarding this process. We are concerned that this discretion could be used as a work-around to the carefully designed system of accountability described in our hearings, including hazard tree determinations made by trained arborists. We must ensure complete autonomy of the arborists identifying hazard trees, and ensure no improper influence or decision-making by the contractors hired to remove them.

- 3) We request a specific and targeted consultation among ODOT, the Oregon Watershed Enhancement Board (OWEB), and other relevant natural resource agencies regarding work done in ecologically sensitive areas. In the near future, we would like to invite OWEB and their local partners to report to our committees regarding ongoing and future restoration efforts, including any issues they encounter specific to hazard tree removal.
- 4) We request that you better promote the dedicated telephone line to get input from Oregonians who believe they have direct knowledge of violations or improper activity in connection with this project. Clearly not all calls will be credible and deserving of investigation, but clusters of calls with a single focus of concern could assist monitoring efforts. We think this step would also enhance public confidence in state government's transparency and authentic commitment to proper execution of this project. A clear expectation should be set that not all calls will get an individual response.
- 5) We request you to direct the Public Utility Commission to work with regulated utilities to implement appropriate protocols and procedures for communication and engagement with homeowners/landowners regarding tree cutting and other emergency response operations. This stems from very concerning testimony from residents of Lincoln and other counties that trees were being marked for removal on their property with no permission, compensation or proximity to the power lines. This may need to include new protocols to require landowner permission from, and revenue sharing with, those Oregonians who are losing their trees to facilitate reducing risk to fires from tree/power line interactions.

Last fall's wildfires were one of the largest and most significant natural disasters in our state's history - but recovery is taking hold. Everywhere we turn we see the grit and resiliency of the Oregon spirit. We see home and business sites, once devastated by fires, now cleared of debris and ready for construction; we see friends and neighbors lending a helping hand; we see signs of Oregon rebuilding Oregon. Taking affirmative steps now to address the kinds of ongoing concerns we heard last week is essential to maintaining the unity and momentum this massive enterprise requires.

We sincerely appreciate the herculean work performed by ODOT in and beyond our communities. We thank you for your consideration and look forward to our continued partnership.



Senator Jeff Golden
Chair, Senate Natural Resources and Wildfire Recovery



Representative Brian Clem
Chair, House Special Committee on Wildfire Recovery