

A-Engrossed
Senate Bill 1514

Ordered by the Senate February 12
Including Senate Amendments dated February 12

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Wildfire Prevention and Recovery)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires State Forestry Department to establish [*demonstration*] projects for reducing wildfire risk on forestlands and rangelands. Requires department to report findings and recommendations based on [*demonstration*] project information. Appropriates moneys for biennium ending June 30, 2021, for purposes related to [*demonstration*] projects.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wildfire danger reduction; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The State Forestry Department shall establish not more than 15 projects**
5 **designed to reduce wildfire danger on public or private forestlands and rangelands through**
6 **the restoration of landscape resiliency and the reduction of hazardous fuel levels. The de-**
7 **partment shall identify, design and oversee the implementation, administration, maintenance**
8 **and evaluation of the projects. In carrying out its functions regarding the projects, the de-**
9 **partment shall, to the extent practicable, consult and cooperate with state and federal**
10 **agencies, counties, cities and other units of local government, public and private forestland**
11 **and rangeland owners, forest collaboratives and other relevant community organizations.**

12 **(2) The State Forestry Department shall:**

13 **(a) In collaboration with the Oregon State University Extension Service and other enti-**
14 **ties, identify strategic landscapes that are ready for treatment under the projects, giving**
15 **priority to projects:**

16 **(A) On lands currently approved for treatment projects under the National Environ-**
17 **mental Policy Act (42 U.S.C. 4321 et seq.);**

18 **(B) On lands within areas identified as high fire risk areas in the Governor's Council on**
19 **Wildfire Response November 2019: Report and Recommendations; and**

20 **(C) That focus on treatments protective of human life, property, critical infrastructure**
21 **or other public values;**

22 **(b) To the extent practicable, design the projects to:**

23 **(A) Evaluate varying types of fuel treatment methods;**

24 **(B) Leverage the collective power of public-private partnerships, federal funding and**
25 **state funding; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (C) Optimize the receipt of federal government investments that equal or exceed depart-
2 ment investments;

3 (c) Design the projects to involve existing forest-based workforce development programs
4 and workforce businesses, giving emphasis to workforce programs for youth;

5 (d) Design the projects to involve existing forest-based contracting entities;

6 (e) Design the projects to involve the Oregon Watershed Enhancement Board or other
7 state agencies as needed;

8 (f) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders
9 holding a wide variety of perspectives regarding forest management and opportunities for
10 significant involvement by communities in proximity to project sites; and

11 (g) Engage in careful monitoring of the project sites to produce useful information on
12 which to base recommendations to the Legislative Assembly.

13 (3) A project under this section may not include commercial thinning on:

14 (a) Inventoried roadless areas;

15 (b) Riparian reserves identified in the Northwest Forest Plan or in Bureau of Land
16 Management resource management plans;

17 (c) Late successional reserves, except to the extent consistent with the 2011 United
18 States Fish and Wildlife Service Revised Recovery Plan for the Northern Spotted Owl (*Strix*
19 *occidentalis caurina*);

20 (d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national
21 recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;

22 (e) Designated critical habitat for species listed as threatened or endangered under the
23 Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission
24 under ORS 496.172, unless commercial thinning is already allowed under an existing envi-
25 ronmental review or recognized habitat recovery plan; or

26 (f) Federally designated areas of critical environmental concern or federally designated
27 wilderness study areas.

28 (4) The department shall give public notice, and allow reasonable opportunity for public
29 input, when identifying and selecting projects under this section.

30 **SECTION 2.** Section 1 of this 2020 Act does not expand, diminish or otherwise affect any
31 rights, privileges, duties or functions otherwise established under federal, state or local laws,
32 rules or regulations that pertain to the management of private lands in this state.

33 **SECTION 3.** (1) The State Forestry Department shall complete the operation of projects
34 under section 1 of this 2020 Act no later than June 30, 2021.

35 (2) The department shall report regarding progress in carrying out projects under section
36 1 of this 2020 Act and prescribed fire activities, and regarding department activities under
37 section 6 of this 2020 Act, to an interim committee of the Legislative Assembly related to
38 natural resources, in the manner provided by ORS 192.245, and to the Governor no later than
39 December 1, 2020. The report shall include, but need not be limited to:

40 (a) A summary of project selection, the initial outcome of project implementation activ-
41 ities, anticipated time frames for project completions and any initial findings or recommen-
42 dations resulting from project identification, design or implementation activities;

43 (b) A description of the funding source types and amounts secured by the department
44 as matching funds to implement projects; and

45 (c) A summary of forestland and rangeland treatment activities using prescribed fire to

1 reduce wildfire danger, the initial outcome of the prescribed fire activities, disincentives or
2 other factors affecting the carrying out of the prescribed fire activities, management of the
3 prescribed fire activities and any initial findings or recommendations resulting from the
4 prescribed fire activities.

5 (3)(a) The department shall report its findings and recommendations regarding wildfire
6 danger reduction on forestland and rangeland, based on information obtained from the
7 projects described in section 1 of this 2020 Act and from prescribed fire activities, and re-
8 garding department activities under section 6 of this 2020 Act, to an interim committee of
9 the Legislative Assembly related to natural resources, in the manner provided by ORS
10 192.245, and to the Governor no later than September 15, 2021. The report shall include, but
11 need not be limited to:

12 (A) A qualitative and quantitative summary of the project outcomes that, at a minimum,
13 states the number of acres treated, the treatment actions carried out, the amount and
14 commercial value of timber harvested if not exempt from public disclosure and any resulting
15 or anticipated changes in landscape conditions related to enhanced resiliency or the miti-
16 gation of wildfire risk to public values;

17 (B) The identification of barriers to more efficient implementation and achievement of
18 goals in future wildfire danger reduction projects;

19 (C) Recommendations for creating optimal working relationships with forest
20 collaboratives and other relevant community organizations regarding design, implementation
21 and cost recovery for future wildfire danger reduction projects;

22 (D) A description of the funding source types and amounts secured by the department
23 as matching funds to carry out projects;

24 (E) Recommendations for investment in future wildfire danger reduction projects;

25 (F) A qualitative and quantitative summary of the use of prescribed fire activities for
26 wildfire danger reduction that, at a minimum, states the number of acres burned and any
27 resulting or anticipated changes in landscape conditions related to enhanced resiliency or the
28 mitigation of wildfire risk to public values;

29 (G) The identification of existing disincentives to the use of prescribed fire;

30 (H) Recommendations regarding the appropriate standard of care for the use of pre-
31 scribed fire;

32 (I) Recommendations for facilitating the establishment of a statewide voluntary Pre-
33 scribed Burn Manager Certificate program; and

34 (J) Recommendations regarding means for increasing the quantity of wildfire danger re-
35 duction projects to achieve the scale of reduction envisioned as a 20-year goal in the
36 Governor's Council on Wildfire Response November 2019: Report and Recommendations.

37 (b) In developing the report required under this subsection, the department shall work
38 in coordination with federal land management agencies, institutions of higher education and
39 third parties to develop consistent performance measurements and condition-based metrics
40 for monitoring and communicating the effectiveness of state investments, project actions
41 and prescribed fire activities in reducing wildfire danger on public or private forestlands and
42 rangelands.

43 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
44 ated to the State Forestry Department, for the biennium ending June 30, 2021, out of the
45 General Fund, the amount of \$25,000,000, which may be expended for purposes related to the

1 projects described in section 1 of this 2020 Act.

2 **SECTION 5.** Sections 1, 2 and 3 of this 2020 Act are repealed on January 2, 2024.

3 **SECTION 6.** The State Forestry Department shall:

4 (1) To the extent practicable, identify and remove disincentives to the use of prescribed
5 fire.

6 (2)(a) Review existing statutes and rules that establish standards of care regarding the
7 use of prescribed fire in this state; and

8 (b) Evaluate the implications, impacts and potential benefits of changing the standard
9 of care regarding the use of prescribed fire in this state to provide that liability for pre-
10 scribed fire use exists only upon proof of gross negligence.

11 (3) In collaboration with the Oregon State University Extension Service, relevant state
12 and federal agencies, natural resource specialists and other entities, propose a framework
13 for the operation of a statewide voluntary Prescribed Burn Manager Certificate standard and
14 program.

15 **SECTION 7.** Section 6 of this 2020 Act does not expand, diminish or otherwise affect any
16 rights, privileges, duties or functions otherwise established under federal, state or local laws,
17 rules or regulations that pertain to the management of private lands in this state.

18 **SECTION 8.** The State Forestry Department shall complete the identification of disin-
19 centives, review of statutes and rules, standard of care evaluation and development of a
20 framework proposal as provided in section 6 of this 2020 Act no later than June 30, 2021.

21 **SECTION 9.** This 2020 Act being necessary for the immediate preservation of the public
22 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
23 on its passage.