

HB 2572 -1, -4 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

Prepared By: Stuty Maskey, LPRO Analyst

Meeting Dates: 3/16, 4/1

WHAT THE MEASURE DOES:

Provides that spread of fire in forestland across ownership boundary does not constitute prima facie evidence of fire burning uncontrolled if owners or operators of forestland on both sides of ownership boundary agree in advance to conduct prescribed fire. Specifies that owner or operator of forestland on which a prescribed fire exists need not extinguish the fire if the owners or operators agree in advance of the fire that it may be conducted as a prescribed fire as described in ORS 477.064 and the fire remains on the forestland of the owners or operators who agreed to the fire. Prohibits State Forester from determining the spread of fire across an ownership boundary demonstrates that a fire is burning uncontrolled if specified conditions are met. Specifies that person does not commit offense of unlawful use of fire if a person has knowledge of and does not extinguish prescribed fire burning on person's own land. Directs Board of Forestry to establish by rule a Certified Burn Manager program; authorizes fees for program participation. Authorizes State Forester to assess against person starting a fire under supervision of Certified Burn Manager any fire suppression costs that are less than or equal to \$300,000 (ORS 477.120 (4)). Requires State Board of Forestry (Board), by December 1, 2021, to consult with Oregon Prescribed Fire Council concerning best practices for conducting Certified Burn Manager program, to initiate rulemaking to establish program and to report to appropriate committee or subcommittee of Legislative Assembly on progress in establishing and implementing program. Appropriates \$_____ to Board for purpose of establishing and implementing program. Takes effect on 91st day following adjournment sine die.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Section 1 establishes that, notwithstanding the statutory duty of owner and operator to abate fire, a person may conduct a prescribed fire, alone or with another person, if before conducting the fire the person obtains written consent from all persons on whose land the fire is planned to occur, submits a burn plan to the Department of Forestry, and obtains any required permit or permission from a fire chief of a rural fire protection district. Provides that spread of fire across ownership boundaries does not constitute prima facie evidence of fire burning uncontrolled if it is a prescribed fire that is conducted under section 1 and is burning on lands on which the fire was planned to occur. Provides that for a prescribed fire conducted under section 1, the owner or operator is not liable to State Forester for fire suppression costs in excess of \$300,000. Specifies that person with knowledge of fire burning on the person's own land fails or neglects to make a bona fide effort to extinguish the fire, regardless of whether or not responsible for the starting or existence of fire, does not commit the offense of unlawful use of fire if prescribed fire is conducted as described in section 1. Adds forest protective associations as entity who may perform or supervise burning operations at the request of landowner or owner's agent on certain forestland classifications. Requires State Board of Forestry (Board) to establish a Certified Burn Manager program and authorizes establishment and imposition of fees for program participation. Authorizes Board to consult with any other information source deemed appropriate by ODF concerning best practices for conducting the Certified Burn Manager program.

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REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

-4 Removes the provision that the spread of fire in forestland across ownership boundary does not constitute prima facie evidence of uncontrolled fire burning if owners or operators of forestland on both sides of ownership boundary agree in advance to conduct prescribed fire. Removes the provision that owners or operator of forestland on which a prescribed fire exists need not extinguish the fire if the owners or operators agree in advance of the fire that may be conducted as prescribed fire as described in ORS 477.064 and the fire remains on the forestland of the owners or operators who agreed to the fire. Removes provision that disallows the State Forester from determining the spread of fire across an ownership boundary demonstrates that a fire is burning uncontrolled when specified conditions are met. Removes provision specifying that a person does not commit offense of unlawful use of fire if a person has knowledge of and does not extinguish prescribed fire burning on person's own land. Removes the direction to the Board of Forestry to establish by rule a Certified Burn Manager program and to authorize fees for program participation. Removes provision authorizing State Forester's to assess against person starting a fire under supervision of Certified Burn Manager any fire suppression costs that are less than or equal to \$300,000 (ORS 477.120 (4)). Requires Oregon Department of Forestry (ODF) to adopt rules to clarify that a person may: 1) conduct a prescribed fire burn across land ownership boundaries if the person obtains a permit for the fire as described in ORS 477.515 or 477.625 and complies with the conditions of the permit, 2) obtain a single permit under ORS 477.515 or 477.625 for a prescribed fire that burns across land ownership boundaries if the person demonstrates to ODF that the person has obtained consent to conduct the fire from all persons on whose lands the fire is planned to burn. Requires ODF to initiate rulemaking described in section 1 of the 2021 Act on or before November 30, 2021 and finalize rulemaking on or before November 30, 2022.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

BACKGROUND:

The U.S. Forest Service describes prescribed fires, also known as prescribed burns or controlled burns, as the "controlled application of fire by a team of fire experts under specified weather conditions to restore health to ecosystems that depend on fire." Such fires may be used to reduce the risk of large severe wildfires, increase public and firefighter safety, and to meet a variety of natural resource management objectives including habitat restoration, restoration or maintenance ecosystem health, and maintenance of vegetation treatments.

House Bill 2572 would establish circumstances under which a prescribed fire need not be extinguished and would direct the State Board of Forestry to take action to initiate the establishment of a Certified Burn Manager program by December 1, 2021.