

HB 2572 A STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

Action Date: 04/08/21

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 10-0-0-0

Yeas: 10 - Breese-Iverson, Cate, Hudson, Marsh, McLain, Post, Reardon, Smith DB, Williams, Witt

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/16, 4/1, 4/8

WHAT THE MEASURE DOES:

Directs State Board of Forestry (Board) to establish by rule a Certified Burn Manager program and authorizes establishment and imposition of fees for program participation. Requires 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 to establish and implement program. 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 on prescribed fire burns across land ownership on or before November 30, 2021 and finalize rulemaking on or before November 30, 2022. Specifies 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. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Prescribed burns as a tool to reduce wildfire risk
- Fire suppression costs in Oregon

EFFECT OF AMENDMENT:

Removes provisions 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; 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; disallows the State Forester from determining that the spread of fire across an ownership boundary demonstrates that the fire is burning uncontrolled when specified conditions are met. Removes specification that describes 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 State Forester's authority 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)).

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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 A would direct the State Board of Forestry to establish by rule a Certified Burn Manager program and authorize establishment and imposition of fees for program participation.