

Senate Bill 1534

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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 **as introduced**.

Establishes state policy to increase carbon sequestration in natural and working lands and waters. Requires certain agencies to monitor progress implementing state carbon sequestration policy and report findings to Oregon Global Warming Commission.

Directs commission to appoint natural and working lands and waters advisory committee.

Directs Institute for Natural Resources to develop net natural and working lands and waters carbon sequestration inventory.

Directs certain agencies to prepare 2010 to 2019 carbon sequestration baseline and activity-based metrics and community impact metrics for carbon sequestration in natural and working lands and waters. Directs commission to accept or modify metrics and submit report, providing adopted metrics and recommendations for legislation, to interim committees of Legislative Assembly related to environment no later than September 15, 2023.

Directs Institute for Natural Resources to study workforce and economic development potential of strategies to increase carbon sequestration in natural and working lands and waters and provide results to committees of Legislative Assembly related to environment no later than March 15, 2023.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to biological carbon sequestration; creating new provisions; amending ORS 468A.260; and
3 prescribing an effective date.

4 Whereas Oregon's forests and other natural and working lands and waters are among the
5 world's most productive carbon sinks in the world; and

6 Whereas Oregon's natural and working lands and waters should be managed to be the most re-
7 siliant and robust climate sink we can achieve while maintaining the health of our economy and
8 communities and enhancing social equity and quality of life for all Oregonians; and

9 Whereas implementing climate-smart agriculture, forestry and conservation practices can in-
10 crease resilient carbon stocks in vegetation and soils in Oregon's natural and working lands and
11 waters and through the products they produce; and

12 Whereas climate-smart agriculture, forestry and conservation practices can provide significant
13 benefits, including improvements in soil productivity and moisture holding capacity, improvements
14 in fish and wildlife habitat, protection of communities from storm surges and flooding, protection for
15 drinking water sources, a reduction of urban heat islands and improved air quality, creation of na-
16 tural resources jobs, climate mitigation, generation of increased revenue for private land managers
17 and improvements to people's quality of life; and

18 Whereas because there may be costs and a need for technical assistance for land managers in-
19 terested in adopting climate-smart agriculture, forestry and conservation practices, the state can
20 help through investments in incentives and technical assistance; now, therefore,

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

22 **SECTION 1. As used in sections 1 to 5 of this 2022 Act:**

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 (1) “Environmental justice communities” means communities of color, communities ex-
 2 perienceing lower incomes, tribal communities, rural communities, communities with limited
 3 infrastructure and other communities traditionally underrepresented in public processes and
 4 adversely harmed by environmental and health hazards, including seniors, youth and persons
 5 with disabilities.

6 (2) “Natural and working lands and waters” means:

7 (a) Lands and waters:

8 (A) Actively used by an agricultural owner or operator for an agricultural operation, in-
 9 cluding but not limited to active engagement in farming or ranching;

10 (B) Producing forest products;

11 (C) Consisting of forests, woodlands, grasslands, sagebrush steppes, deserts, freshwater
 12 and riparian systems, wetlands, coastal and estuarine areas, the submerged and submersible
 13 lands within Oregon’s territorial sea, watersheds, wildlands or wildlife habitats;

14 (D) Used for recreational purposes, including, but not limited to, parks, trails, greenbelts
 15 and other similar open space lands; or

16 (E) Consisting of trees, other vegetation and soils in urban and near-urban areas, in-
 17 cluding, but not limited to, urban watersheds, street trees, park trees, residential trees and
 18 riparian habitats; and

19 (b) Lands and waters described in paragraph (a) of this subsection that are:

20 (A) Held in trust by the United States for the benefit of any of the nine federally recog-
 21 nized Indian tribes in this state;

22 (B) Held in trust by the United States for the benefit of individual members of any of the
 23 nine federally recognized Indian tribes in this state;

24 (C) Within the boundaries of the reservation of any of the nine federally recognized In-
 25 dian tribes in this state; or

26 (D) Otherwise owned or controlled by any of the nine federally recognized Indian tribes
 27 in this state.

28 **SECTION 2.** (1) The Legislative Assembly declares that it is the policy of this state to
 29 increase carbon sequestration in, and the resilience of, natural and working lands and waters
 30 of this state. It is further the policy of this state that, when implementing strategies to ad-
 31 vance carbon sequestration in natural and working lands and waters, state and local gov-
 32 ernment bodies shall:

33 (a) Consider the benefits of carbon sequestration strategies for environmental justice
 34 communities;

35 (b) Incorporate the interests of landowners, land managers and communities;

36 (c) Ensure that a diversity of landowners and managers are able to participate in
 37 incentive-based programs for carbon sequestration;

38 (d) Ensure that strategies and programs for carbon sequestration provide meaningful
 39 climate benefits; and

40 (e) Seek societal and economic benefits, in addition to carbon sequestration, as relevant
 41 to achieving other state goals.

42 (2) State and local government bodies are encouraged to use metrics designed to track
 43 progress in implementing strategies to increase carbon sequestration in natural and working
 44 lands and waters and use metrics to measure the benefits and burdens on communities as-
 45 sociated with strategies for carbon sequestration in natural and working lands and waters.

1 **SECTION 3.** (1) The Oregon Global Warming Commission shall appoint a natural and
2 working lands and waters advisory committee to advise the commission in the performance
3 of the commission's duties related to natural and working lands and waters.

4 (2) The advisory committee shall consist of at least 14 members, including but not limited
5 to representatives of:

- 6 (a) Tribal governments;
- 7 (b) Local governments;
- 8 (c) The forestry industry;
- 9 (d) The agricultural industry;
- 10 (e) Environmental justice organizations;
- 11 (f) Conservation organizations; and
- 12 (g) Technical service providers.

13 (3) The Institute for Natural Resources shall provide staff support for the committee.
14 The institute may contract with a third party to provide staff support services under this
15 subsection.

16 **SECTION 4.** The State Forestry Department, the State Department of Agriculture, the
17 Oregon Watershed Enhancement Board and the Department of Land Conservation and De-
18 velopment shall monitor each respective agency's progress in advancing the policies de-
19 scribed in section 2 of this 2022 Act and report the agency's findings to the Oregon Global
20 Warming Commission no later than August 1 of each even-numbered year.

21 **SECTION 5.** (1) The Institute for Natural Resources, in coordination with the State De-
22 partment of Energy and the Oregon Global Warming Commission, shall, in consultation with
23 the State Forestry Department, the State Department of Agriculture, the Oregon Watershed
24 Enhancement Board, the Department of State Lands, the Department of Land Conservation
25 and Development and federal land management partners, develop a natural and working
26 lands and waters carbon sequestration inventory. The inventory must:

- 27 (a) Be based on the best available field-based and remote sensing data on carbon
28 sequestration; and
- 29 (b) To the greatest extent possible, be developed using methods consistent with methods
30 used to assess greenhouse gas fluxes related to land use, land change and forestry for the
31 United States Environmental Protection Agency's Inventory of U.S. Greenhouse Gas Emis-
32 sions and Sinks.

33 (2) The State Department of Energy shall update the inventory and submit a report de-
34 scribing the inventory to the Oregon Global Warming Commission no later than August 1
35 of each even-numbered year.

36 **SECTION 6.** (1) As used in this section, "natural and working lands and waters" has the
37 meaning given that term in section 1 of this 2022 Act.

38 (2) The Institute for Natural Resources, in coordination with the Oregon Global Warming
39 Commission, shall jointly with the State Forestry Department, the State Department of Ag-
40 riculture, the Oregon Watershed Enhancement Board, the Department of State Lands and
41 the Department of Land Conservation and Development, and in consultation with federal
42 land management partners, develop:

- 43 (a) A 2010 to 2019 carbon sequestration baseline for natural and working lands and wa-
44 ters;
- 45 (b) Recommendations for activity-based metrics in accordance with subsection (3) of this

1 section; and

2 (c) Recommendations for community impact metrics in accordance with subsection (4)
3 of this section.

4 (3) Activity-based metrics must be designed to evaluate progress toward increasing car-
5 bon sequestration in natural and working lands and waters, as measured against the 2010 to
6 2019 carbon sequestration baseline. Activity-based metrics may include, but need not be
7 limited to, acres of lands or waters for which certain management practices have been
8 adopted or acres of lands or waters that represent an increase in natural and working lands
9 and waters.

10 (4) Community impact metrics must be designed to evaluate the benefits and burdens,
11 for communities, associated with strategies for carbon sequestration in natural and working
12 lands and waters. Community impact metrics may include, but need not be limited to,
13 metrics to measure the effects of carbon sequestration strategies on jobs, local economies,
14 environmental integrity and public health and metrics to evaluate the accessibility of carbon
15 sequestration programs.

16 (5) The Institute for Natural Resources, in coordination with the agencies described in
17 subsection (2) of this section, shall provide the 2010 to 2019 carbon sequestration baseline and
18 draft recommendations for activity-based metrics and community impact metrics developed
19 under this section to the Oregon Global Warming Commission no later than April 30, 2023.

20 **SECTION 7.** The Oregon Global Warming Commission, after consultation with the na-
21 tural and working lands and waters advisory committee appointed under section 3 of this
22 2022 Act, shall accept or modify the draft activity-based metrics and community impact
23 metrics recommended to the commission under section 6 of this 2022 Act. The commission
24 shall report the activity-based metrics and community impact metrics adopted by the com-
25 mission, including recommendations for legislation, in the manner provided under ORS
26 192.245 to the interim committees of the Legislative Assembly related to the environment
27 no later than September 15, 2023.

28 **SECTION 8.** (1) As used in this section:

29 (a) “Climate-smart agriculture, forestry and conservation practices” means practices
30 that protect and restore resilient carbon stocks in native ecosystems and increase resilient
31 carbon stocks in vegetation and soils in natural and working lands and waters.

32 (b) “Natural and working lands and waters” has the meaning given that term in section
33 1 of this 2022 Act.

34 (2) The Institute for Natural Resources shall study the workforce and economic devel-
35 opment potential of strategies to increase carbon sequestration in natural and working lands
36 and waters. The study shall include an evaluation of the need for expanding programs for
37 climate-smart agriculture, forestry and conservation practices, including but not limited to
38 an assessment of:

39 (a) Costs and benefits of different natural and working lands and waters carbon
40 sequestration strategies;

41 (b) Potential benefits to the state from expanding the adoption of climate-smart agricul-
42 ture, forestry and conservation practices, including but not limited to improving social eq-
43 uity, the economy, health outcomes, jobs, resilience to climate change, producer income and
44 fish and wildlife habitats;

45 (c) Expansion of technical assistance provider capacity; and

1 (d) Expansion or modifications of training programs for technical assistance providers.

2 (3) The Institute for Natural Resources shall provide the results of the study, and may
 3 include recommendations for legislation, in a report to the committees of the Legislative
 4 Assembly related to the environment in the manner provided under ORS 192.245 no later
 5 than March 15, 2023.

6 **SECTION 9.** (1) Notwithstanding section 4 of this 2022 Act, the reports by agencies to the
 7 Oregon Global Warming Commission under section 4 of this 2022 Act are first due no later
 8 than August 1, 2024.

9 (2) Notwithstanding section 5 of this 2022 Act, the report by the State Department of
 10 Energy to the Oregon Global Warming Commission under section 5 of this 2022 Act is first
 11 due no later than April 30, 2024.

12 **SECTION 10.** Sections 6 to 9 of this 2022 Act are repealed on January 2, 2025.

13 **SECTION 11.** ORS 468A.260 is amended to read:

14 468A.260. (1) The Oregon Global Warming Commission shall submit a report to the Legislative
 15 Assembly, in the manner provided by ORS 192.245, by [*March 31*] **September 15** of each odd-
 16 numbered year that describes Oregon’s progress toward achievement of the greenhouse gas emis-
 17 sions reduction goals established by ORS 468A.205. The report may include relevant issues and
 18 trends of significance, including trends of greenhouse gas emissions, emerging public policy and
 19 technological advances. The report also may discuss measures the state may adopt to mitigate the
 20 impacts of global warming on the environment, the economy and the residents of Oregon and to
 21 prepare for those impacts.

22 (2) The commission shall include in the report under subsection (1) of this section a de-
 23 scription of the activities in furtherance of the policies for carbon sequestration in natural
 24 and working lands and waters described in section 2 of this 2022 Act that were taken by the
 25 commission or reported to the commission under section 4 of this 2022 Act.

26 **SECTION 12.** This 2022 Act takes effect on the 91st day after the date on which the 2022
 27 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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