

SB 928 A STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

Action Date: 03/27/23

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 5-0-0-0

Yeas: 5 - Girod, Golden, Prozanski, Smith DB, Taylor

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 3/15, 3/27

WHAT THE MEASURE DOES:

Instructs the State Forester, or any forest protective association or agency that is under contract or agreement with the State Board of Forestry for protection of forestland against fire, and whose protection area is or may be affected by fire on nearby lands owned or managed by the United States Forest Service (Forest Service), to take certain actions to address fire. Requires the State Forester and specified entities to participate in fire management response planning to address fires or potential fires originating on Forest Service lands and to implement that planning if a fire originates on those lands. Provides that in the event that the planning implementation does not adequately protect forestland, the State Forester may, after consideration of resource constraints, enter onto Forest Service lands to abate the fire at the expense of the state and to the extent permitted by federal law, or in coordination with federal land management agencies. Provides that if the State Forester enters onto Forest Service lands to abate fire and it is determined that the fire was caused by the negligence of a person, the State Forester may pursue recovery against the person for the expense of abating the fire and to the extent permitted by federal law. Specifies that planning and implementation actions do not affect any other state obligation for provision of wildfire suppression personnel, equipment, or services. Prohibits the State Forester from using wildfire suppression personnel, equipment, or services, without permission, on federal military land withdrawn from public access or on lands held by an Indian tribe.

ISSUES DISCUSSED:

- State frustration with federal government response to wildfire and forest management
- Guidance regarding how the state can intervene if the Forest Service is not adequately suppressing fire
- Opportunity for further collaboration with federal agencies
- Financial resources continue to be a constraint on suppression efforts

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

When a fire originates on private land in Oregon, the landowner is required to control and extinguish the fire. If the State Forester determines that the fire is out of control or the landowner does not have sufficient personnel or equipment to extinguish the fire, the State Forester and other contracted entities can enter onto private lands and help to fight the fire. When a fire originates on federal land in Oregon, the state's ability to step in and help put out the fire is less clear and is often contingent on collaborative relationships between state and federal partners.

The average annual acreage burned by wildfires in the West has increased over the past several decades, affecting both federal and nonfederal lands. According to the Congressional Budget Office, between 20 and 30 percent of fires begin on federal land each year, and between 50 and 70 percent of the total acres burned are on federal

SB 928 A STAFF MEASURE SUMMARY

lands in most years.

Senate Bill 928 A would instruct the State Forester and other specified entities to take certain actions to address fire originating on lands owned or managed by the United States Forest Service.