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WESTERN ENVIRONMENTAL LAW CENTER**Written Testimony of Susan Jane M. Brown, Western Environmental Law Center
Submitted January 21, 2023****House Committee on Climate, Energy, and Environment
Public Hearing: House Bills 2985 & 2986
Wednesday, January 25, 2023
3:00 p.m.**

Chairwoman Marsh, Vice-Chairs Levy, and members of the Committee, thank you for the opportunity to provide written testimony in support of House Bills (HB) 2985 and 2986, that will facilitate the use of prescribed fire and cultural burning in Oregon in order to reduce wildfire risk and improve community safety and forest health.

My name is Susan Jane M. Brown, and I am a Senior Staff Attorney for the Western Environmental Law Center (WELC). We are based in Eugene, Oregon, with offices in Portland and Bend, Oregon; Seattle, Washington; Taos and Santa Fe, New Mexico; Helena, Montana; and Buena Vista, Colorado. WELC uses the power of the law to defend and protect the American West's treasured landscapes, iconic wildlife, and rural communities. We combine our legal skills with sound conservation biology and environmental science to address major environmental issues in the West in the most strategic and effective manner. WELC works at the national, regional, state, and local levels and in all three branches of government. We integrate national policies and regional perspective with the local knowledge of our 150+ partner groups to implement smart and appropriate place-based solutions.

The Western Environmental Law Center is also deeply engaged in collaborative forest conservation in eastern Oregon, working closely with the Blue Mountains Forest Partners and Harney County Restoration Collaborative on the Malheur National Forest, the Ochoco Forest Collaborative on the Ochoco National Forest, the Deschutes Collaborative Forest Project on the Deschutes National Forest, and the Northern Blues Forest Collaborative on the Umatilla and Wallowa-Whitman National Forests.

WELC strongly supports both HB 2985 and 2986. HB 2986 creates a \$5 million Prescribed Fire Capacity Grant Program to increase the pace and scale of prescribed fire and cultural burning in Oregon by offering voluntary incentives to landowners, Tribal fire practitioners, local governments, and nongovernmental organizations to increase their capacity to use fire as a management tool. Its companion piece, HB 2985, establishes a \$10 million prescribed fire liability fund on a pilot basis that would provide reimbursements to landowners in the rare event of a prescribed fire or cultural burn escape. Reimbursements would be capped at \$1 million and only occur if the burner followed all laws and regulations and if the burn was supervised by

qualified individuals (State Forester, a Forest Protective Association, or Certified Burn Manager).

The best available science is clear that controlled fire (i.e., both prescribed fire and cultural burning) is an essential tool to restore resilient forest ecosystems, safeguard wildlife habitat, increase native biodiversity, and reduce the threat of wildfire.¹ The body of scientific literature also demonstrates that land managers are not using prescribed fire to the extent necessary to reduce uncharacteristic wildfire effects on the landscape,² which compromises the socioecological and socioeconomic values associated with forests. Research indicates that there are several barriers to prescribed fire and cultural burning,³ including the lack of state or federal catastrophe funds that pay out to affected landowners in the rare⁴ event of an escaped burn.⁵

Taken together, HB 2985 and 2986 address these issues by facilitating more responsible prescribed fire and cultural burning on the landscape and ensuring that landowners who may be affected by a rare, escaped burn can be made whole. This is a responsible approach to fire use that provides accountability and will serve to produce multiple socioeconomic and socioecological benefits to Oregonians across landownerships. Consequently, the Western Environmental Law Center strongly supports both pieces of legislation, and I urge the Committee to report out this legislation. We look forward to working with the State and burners to implement HB 2985 and 2986.

Sincerely,



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¹ Molly E. Hunter & Marcos D. Robles, *Tamm Review: The effects of prescribed fire on wildfire regimes and impacts: A framework for comparison*, FOREST ECOLOGY AND MANAGEMENT 475 (2020).

² Crystal A. Kolden, *We're Not Doing Enough Prescribed Fire in the Western United States to Mitigate Wildfire Risk*, FIRE (2019).

³ Courtney Schultz et al., *Prescribed Fire Policy Barriers and Opportunities*, Ecosystem Workforce Program Working Paper Number 86 (2018).

⁴ D. Dether & A. Black, *Learning from escaped prescribed fires- lessons for high reliability*, 66 FIRE MANAG. TODAY 50-56 (2006); J. R. Weir et al., *Liability and prescribed fire: Perception and reality*, 72 RANGEL. ECOL. MANAG. 533-538 (2019).

⁵ J. Morgan Varner et al., *Increasing Pace and Scale of Prescribed Fire via Catastrophe Funds for Liability Relief*, FIRE (2021).