

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 5 - 0 - 0
Yeas: Atkinson, Bates, Beyer, Prozanski, Avakian
Nays: 0
Exc.: 0
Prepared By: Sue Marshall, Administrator
Meeting Dates: 5/01

WHAT THE MEASURE DOES: Authorizes the State Forester to impose a civil penalty in an amount equal to the estimated cost of reforesting lands for violation of ORS 527.745 and to use the penalties to reforest the land that is the subject of the violation. Stipulates that any penalties that exceed the cost of reforestation are to be paid to the General Fund.

ISSUES DISCUSSED:

- Reforestation requirements under the Forest Practices Act
- Extent of reforestation violations

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Oregon Forest Practices Act (FPA) requires reforestation, including site preparation, to begin within 12 months after the completion of harvest and to be completed by the end of the second planting season after the completion of harvest. By the end of the fifth growing season, a minimum number of healthy, free-to-grow conifer or suitable hardwood seedlings must be established per acre and be well-distributed over the area. Violations of reforestation requirements under the FPA are subject to the issuance of a citation and order to reforest. Once a citation is issued, a civil or criminal penalty may be processed. ORS 527.685 currently limits the penalty to no more than \$5,000 per violation.

In some cases, the existing civil penalty authority under the FPA has been not been a sufficient incentive to promote reforestation. In some circumstances, so much time goes by that reforestation is no longer a viable option because of the high cost of treating competing vegetation.

House Bill 3043 authorizes the State Forester to impose a civil penalty in amount equal to the estimated cost of reforestation for violation of the reforestation requirements in the FPA.