

Enrolled
House Bill 2973

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

CHAPTER

AN ACT

Relating to forest smoke management; amending ORS 477.013, 477.554, 477.558, 477.560 and 477.562; and declaring an emergency.

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

SECTION 1. ORS 477.013 is amended to read:

477.013. (1) For the purpose of maintaining air quality, the State Forester and the Department of Environmental Quality shall approve a plan for the purpose of managing smoke in areas they shall designate. The plan shall delineate *[restricted]* **regulated** areas to which this *[subsection]* **section** applies. The plan shall also include but not be limited to considerations of weather, volume of material to be burned, distance of the burning from designated areas, burning techniques and provisions for cessation of further burning under adverse air quality conditions. All burning permitted within the *[restricted]* **regulated** areas shall be according to the plan. The plan shall be developed by the State Forestry Department in cooperation with federal and state agencies, landowners and organizations that will be affected by the plan. The approved plan shall be filed with the Secretary of State and may thereafter be amended in the same manner as its formation.

(2) The State Forester shall promulgate rules to carry out the provisions of the smoke management plan approved under this *[subsection]* **section**.

SECTION 2. ORS 477.554 is amended to read:

477.554. (1) With the advice and assistance of the advisory committee established under ORS 477.556, and subject to the review of the State Board of Forestry, the State Forester shall adopt and implement programs for meeting the objectives set forth in ORS 477.013 and 477.552 to 477.562. The programs shall include:

(a) Collection, analysis and distribution of information regarding prescribed burning and other alternative *[slash]* **fuel** management techniques;

(b) Assistance to landowners wanting to evaluate alternative burning and nonburning *[slash]* **fuel** management strategies and the collection of data regarding fuel conditions existing before and after *[slash]* treatment;

(c) Aerial monitoring of prescribed burning activity;

(d) Distribution of information to the Department of Environmental Quality on progress toward meeting federal and state air quality standards; *[and]*

(e) Establishment of a system to track forest burning on a geographically specific basis[.]; **and**

(f) Collection, analysis and distribution of information regarding emissions from wildfires for comparison with prescribed burning.

(2) The programs shall be administered by the State Forestry Department.

SECTION 3. ORS 477.558 is amended to read:

477.558. The advisory committee created under ORS 477.556 shall:

(1) Advise the State Forestry Department in collecting information about prescribed burning operations; **and**

(2) Advise the State Forestry Department on the collection, analysis and distribution of information required under ORS 477.554[; and]

[3] *Review and comment on the report required under ORS 477.560*].

SECTION 4. ORS 477.560 is amended to read:

477.560. (1) The Oregon Forest Smoke Management Account is established separate and distinct from the General Fund in the State Treasury.

(2) The following moneys shall be credited to the Oregon Forest Smoke Management Account:

(a) Nonrefundable registration fees received by the State Forestry Department for Class 1 forestland under ORS 526.324 to be burned [*lying within the restricted area described under ORS 477.013*] **west of the summit of the Cascade Mountains, not including Hood River County.**

(b) Fees received by the State Forester for Class 1 forestland under ORS 526.324 treated by a prescription burn method under ORS 477.515 (1) **west of the summit of the Cascade Mountains, not including Hood River County.**

(c) Fees for federal forestland included within the [*restricted*] **regulated** area under ORS 477.013 to be treated by any prescription burn method subject to the provisions of the State of Oregon Clean Air Act Implementation Plan and the federal Clean Air Act received by the State Forester.

(3) The moneys in the Oregon Forest Smoke Management Account are appropriated continuously for and shall be used by the State Forester exclusively for the administration of the smoke management program approved under ORS 477.013 and 477.554.

SECTION 5. ORS 477.562 is amended to read:

477.562. (1) The State Forestry Department shall collect a nonrefundable registration fee for **Class 1 forestland under ORS 526.324** to be burned [*lying within the restricted area described under ORS 477.013. However, the State Forester, by rule, shall provide an exemption from payment of the fee for burning of understory materials that occurs on forestland for which regular, periodic burning of understory materials is required for forest health.*] **west of the summit of the Cascade Mountains, not including Hood River County.**

(2) Any owner of Class 1 forestland under ORS 526.324 and any agency managing Class 1 forestland under ORS 526.324 lying within the [*restricted*] **regulated** area as described in the plan required under ORS 477.013 shall register with the State Forester, in accordance with rules adopted by the State Forester, the number of acres to be burned prior to December 31 of the same year.

(3) The State Forester shall establish by rule the amount of fees to be collected under this section. The fees [*shall*] **may** not exceed:

(a) Fifty cents per acre for registration.

(b) \$5 per acre for forestland classified as Class 1 under ORS 526.324 that has been treated by any prescription burn method authorized by the issuance of a permit under ORS 477.515 (1).

(4) Federal lands included within the [*restricted*] **regulated** area under the provision of the smoke management plan approved under ORS 477.013 shall also be subject to the fees authorized under subsection (3) of this section for forestland to be treated by any prescription burn method subject to the provisions of the State of Oregon Clean Air Act Implementation Plan and the federal Clean Air Act.

(5) The State Forester may establish a minimum fee per billing, combining the fees in subsections (1) and (3) of this section. The combined minimum fee may not exceed \$30.

(6) In order to efficiently collect fees established by this section, the State Forester is authorized to enter into contracts or agreements with a federal land management agency, a person or a public body as defined in ORS 174.109. Such a contract or agreement may provide for payment methods such as estimated annual payments with periodic adjustment to ensure the recovery of actual fees due, or semiannual or quarterly consolidated billings.

[5] (7) Notwithstanding ORS 291.238, moneys collected under this section shall be deposited in the Oregon Forest Smoke Management Account established under ORS 477.560.

SECTION 6. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House March 26, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 14, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State