

# House Bill 3063

Sponsored by COMMITTEE ON ENVIRONMENT AND WATER

## 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**.

Changes name of Natural Heritage Program to Natural Areas Program. Changes name of Oregon Natural Heritage Plan to Oregon Natural Areas Plan.

Permits institutions in Oregon University System other than Oregon State University to participate in administration of Institute for Natural Resources.

## A BILL FOR AN ACT

1  
2 Relating to Oregon natural areas; amending ORS 273.563, 273.566, 273.571, 273.576, 273.578, 273.581,  
3 273.586, 273.591, 308A.706, 308A.712, 352.239, 517.971 and 527.710.

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

5 **SECTION 1.** ORS 273.563 is amended to read:

6 273.563. As used in ORS 273.563 to 273.591, unless the context requires otherwise:

7 (1) "Agency" means a local, state or federal agency, board, commission or department.

8 (2) "Board" means the State Land Board.

9 (3) "Candidate natural area" means a natural resource area that may be considered for regis-  
10 tration or dedication.

11 (4) "Commodity" means timber, minerals, livestock, agricultural products or any other product  
12 of the land which is an important economic resource.

13 (5) "Council" means the Natural Heritage Advisory Council established in ORS 273.571.

14 (6) "Data bank" means the Natural [*Heritage*] **Areas** Program element inventory of element  
15 classification, data analysis, priority setting, owner and other data maintained by the Institute for  
16 Natural Resources under ORS 352.239.

17 (7) "Dedicate" means the formal recognition and protection of a natural area for [*natural herit-*  
18 *age*] conservation purposes.

19 (8) "Elements" means both the natural heritage resources and the special species.

20 (9) "Instrument" means any written document intended to convey an interest in real property  
21 under ORS 93.710, or an agreement between parties according to the Natural [*Heritage*] **Areas**  
22 Program or the Oregon Natural [*Heritage*] **Areas** Plan.

23 (10) "Natural area" means a unit of land or water or both that may be considered for dedication  
24 under ORS 273.563 to 273.591 and that has substantially retained its natural character, or, if altered  
25 in character, shall in addition to its natural heritage resource values, be valuable as habitat for  
26 plant and animal species or for the study and appreciation of the natural features.

27 [(11) "*Natural heritage conservation area*" means an area dedicated under the provisions of ORS  
28 273.586.]

29 [(12)] (11) "Natural heritage resources" means the terrestrial ecosystem types, aquatic  
30 ecosystem types and unique geologic types as defined in the Oregon Natural [*Heritage*] **Areas** Plan

**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 or a unit of land or water that contains a natural resource.

2 [(13)] (12) “Plan” means the Oregon Natural [*Heritage*] **Areas** Plan established under ORS  
3 273.576, which governs the Natural [*Heritage*] **Areas** Program in selecting areas for [*natural*  
4 *heritage*] conservation.

5 [(14)] (13) “Program” means the Natural [*Heritage*] **Areas** Program as established in ORS  
6 273.566.

7 [(15)] (14) “Register” means the Oregon Register of Natural Heritage Areas established under  
8 ORS 273.581.

9 [(16)] (15) “Special species” means those species of plants and animals determined by the council  
10 to be significant in value in a [*natural heritage conservation*] **state natural** area and defined in the  
11 Oregon Natural [*Heritage*] **Areas** Plan.

12 (16) “**State natural area**” means an area that an individual, organization or public agency  
13 **dedicates as a state natural area under ORS 273.586.**

14 **SECTION 2.** ORS 273.566 is amended to read:

15 273.566. (1) The Legislative Assembly finds that many valuable natural heritage elements are  
16 represented in natural areas [*which*] **that** can be protected through the voluntary cooperation of  
17 private landowners and public land managers. These areas will comprise a discrete and limited  
18 system of natural [*heritage conservation*] areas [*which*] **that** are selected to represent the full range  
19 of Oregon’s natural heritage resources. These areas shall have substantially retained their natural  
20 character, or, if altered in character, shall in addition to their natural heritage resource values be  
21 valuable as habitat for plant and animal species or for the study and appreciation of the natural  
22 features. As such they will be living museums for scientific research, educational purposes and na-  
23 ture interpretation.

24 (2) The Legislative Assembly also finds that it is necessary to establish a process and means for  
25 public and private sector cooperation in the development of this system of conservation areas. Pri-  
26 vate landowners and public land managers should be encouraged to voluntarily participate in the  
27 program through conservation activities [*which*] **that** benefit all Oregonians.

28 (3) In order to assure that [*natural heritage*] conservation activities cause the minimum of con-  
29 flict with other resource uses and that they are cost effective, the Legislative Assembly finds that  
30 the Natural Heritage Advisory Council should provide a specific framework for [*natural heritage*]  
31 conservation decision making through a classification and planning process known as the Natural  
32 [*Heritage*] **Areas** Program. Future [*natural heritage conservation*] **state natural** areas should avoid  
33 unnecessary duplication of already protected natural heritage elements. Each [*natural heritage*]  
34 conservation decision should address alternative methods of accomplishing the same purpose and  
35 should consider cost effectiveness.

36 (4) The Legislative Assembly recognizes that there is a need for systematic, accessible informa-  
37 tion concerning the locations of the resources of Oregon’s natural [*heritage*] **areas**, including special  
38 plant and animal species, native terrestrial ecosystems, aquatic ecosystems, and geologic features,  
39 and especially including the areas already protected that contain these elements.

40 **SECTION 3.** ORS 273.571 is amended to read:

41 273.571. (1) The Natural Heritage Advisory Council is hereby established. The council shall  
42 consist of 17 members, nine of whom shall be chosen as follows and who shall elect from its mem-  
43 bership a chairperson:

44 (a) Four individuals, appointed by the Governor, shall be recognized experts in the ecology of  
45 natural areas. Desirable fields of expertise are botany, zoology, terrestrial ecology, aquatic biology

1 and geology; and

2 (b) Five citizens, appointed by the Governor, shall be selected from the various regions of the  
3 state. These members shall have interest in natural resource conservation, management or the  
4 commodity use of natural resources.

5 (2) Appointed members shall serve for four-year terms.

6 (3) In addition to the nine members appointed by the Governor, the State Fish and Wildlife Di-  
7 rector, the State Forester, the Director of Transportation, the Chancellor of the Oregon University  
8 System, the Director of Agriculture, the State Parks and Recreation Director, the State Geologist  
9 and the Director of the Department of State Lands or an authorized representative of each such  
10 officer, shall serve as ex officio, nonvoting members of the council.

11 (4) Any vacancy on the council shall be filled by appointment of the Governor.

12 (5) Members of the council shall serve without compensation, but the State Land Board may pay  
13 the expenses reasonably incurred by the council in the performance of its functions upon presenta-  
14 tion of vouchers signed by the chairperson of the council pursuant to ORS 292.495.

15 (6) The council shall:

16 (a) Meet at least quarterly;

17 (b) Develop policy for the Natural [*Heritage*] **Areas** Program through the review and approval  
18 of the Oregon Natural [*Heritage*] **Areas** Plan;

19 (c) Review nominations for registration and the voluntary dedication of [*natural heritage con-*  
20 *servation*] **state natural** areas, and approve instruments of dedication for such areas;

21 (d) Advise the State Land Board, State Board of Forestry, State Fish and Wildlife Commission,  
22 State Parks and Recreation Commission, State Board of Higher Education and Oregon Transporta-  
23 tion Commission regarding areas under their respective jurisdictions which are appropriate for  
24 dedication; and

25 (e) Advise the board in the adoption of rules that it considers necessary in carrying out ORS  
26 273.563 to 273.591.

27 (7) The board shall adopt any rules pursuant to ORS chapter 183 that it considers necessary to  
28 carry out ORS 273.563 to 273.591.

29 (8) Acting through the Department of State Lands, the council may accept gifts or donations of  
30 real property. Such real property shall be held in the name of the State of Oregon by the State Land  
31 Board and shall be used for the purpose of carrying out the provisions of ORS 273.563 to 273.591.

32 **SECTION 4.** ORS 273.576 is amended to read:

33 273.576. (1)(a) The State Land Board, with the assistance of the Natural Heritage Advisory  
34 Council, shall maintain a natural heritage office to provide assistance in the selection and nomi-  
35 nation of areas containing natural heritage elements for registration or dedication.

36 (b) The Oregon Natural [*Heritage*] **Areas** Plan established by ORS 273.578 shall govern the Na-  
37 tural [*Heritage*] **Areas** Program in the conduct of activities to create and manage a system of [*na-*  
38 *tural heritage conservation*] **state natural** areas [*which*] **that** are complementary to and consistent  
39 with the research natural area program on federal lands in Oregon. This plan lists the natural her-  
40 itage elements that should be represented on the Oregon Register of Natural Heritage Areas and in  
41 [*natural heritage conservation*] **state natural** areas and provides criteria for the selection and ap-  
42 proval of candidate natural areas for registration and dedication under ORS 273.563 to 273.591. In  
43 selecting [*natural heritage conservation*] **state natural** areas, the inclusion of natural heritage re-  
44 sources, and especially those which are not adequately protected elsewhere, shall be given primary  
45 consideration. Inclusion and protection of special species shall be an important additional consider-

1 ation in selecting [*natural heritage conservation*] **state natural** areas, and wherever possible, indi-  
 2 vidual species shall be protected in association with natural heritage resources or in assemblages  
 3 of those species determined by the council to have special significance.

4 (2) The board may advise owners of [*natural heritage conservation*] **state natural** areas con-  
 5 cerning the management and use of such areas and may make available to state, federal and local  
 6 agencies that manage lands within Oregon, information concerning the conservation of natural her-  
 7 itage elements.

8 (3) The board may apply for and accept grants, contributions and assistance from any federal,  
 9 state or local government agency and any foundation, individual or organization for the purpose of  
 10 carrying out the provisions of ORS 273.563 to 273.591.

11 **SECTION 5.** ORS 273.578 is amended to read:

12 273.578. (1) The Sixty-first Legislative Assembly approves the Oregon Natural [*Heritage*] **Areas**  
 13 Plan submitted under ORS 273.576.

14 (2) The State Land Board may review and approve or disapprove any modification to the plan  
 15 submitted by the Natural Heritage Advisory Council.

16 **SECTION 6.** ORS 273.581 is amended to read:

17 273.581. (1) The Natural Heritage Advisory Council shall maintain a state register of areas  
 18 containing significant natural heritage elements to be called the Oregon Register of Natural Herit-  
 19 age Areas.

20 (2) The council shall from time to time identify areas from the natural heritage data bank  
 21 [*which*] **that** qualify for registration. Priority shall be based on the Oregon Natural [*Heritage*] **Areas**  
 22 Plan and shall generally be given to those elements [*which*] **that** are rarest, most threatened or  
 23 underrepresented in the [*heritage*] conservation system on a statewide basis. [*Natural heritage con-*  
 24 *servation*] **State natural** areas shall not unnecessarily duplicate resources or special species already  
 25 adequately protected by other methods of land protection. Whenever feasible, areas that qualify for  
 26 registration shall be located on lands [*which*] **that** have been allocated primarily to special non-  
 27 commodity uses.

28 (3) The council shall review each registration proposal, including the landowner's written per-  
 29 mission for registration if the area is located on privately owned land.

30 (4) After review by the council, the State Land Board may place sites onto the register or re-  
 31 move sites from the register.

32 (5) A voluntary management agreement may be developed between the board and the owners  
 33 of the sites on the register.

34 **SECTION 7.** ORS 273.586 is amended to read:

35 273.586. (1) A private individual or organization [*which*] **that** is the owner of any registered  
 36 natural area may voluntarily agree to dedicate that area as a [*natural heritage conservation*] **state**  
 37 **natural** area by executing with the State Land Board an instrument of dedication. The instrument  
 38 of dedication shall be effective upon its recording in the real property records of the office of the  
 39 clerk of the county in which any or all of the [*natural heritage conservation*] **state natural** area is  
 40 located.

41 (2) Any public agency may dedicate lands under the provisions of ORS 273.563 to 273.591 fol-  
 42 lowing the providing of opportunity for adequate public notice and hearing by the agency. The  
 43 Oregon Transportation Commission, the State Fish and Wildlife Commission, the State Board of  
 44 Forestry, the State Board of Higher Education, the State Parks and Recreation Commission and the  
 45 State Land Board shall, with the advice and assistance of the Natural Heritage Advisory Council,

1 establish procedures for the dedication of [*natural heritage conservation*] **state natural** areas on  
2 land, the title of which is held by the State of Oregon, and which is under that agency's management  
3 and control.

4 (3) The instrument of dedication shall contain any information or provisions as the private  
5 owner, organization or agency and council consider necessary to complete the dedication.

6 (4) Dedication of a [*natural heritage conservation*] **state natural** area may be terminated as fol-  
7 lows:

8 (a) The dedication of a [*natural heritage conservation*] **state natural** area by a public agency  
9 may be terminated following the providing of opportunity for adequate public notice and hearing and  
10 a finding by that agency of an imperative and unavoidable necessity, or a finding by that agency,  
11 with the approval of the council, that the [*natural heritage conservation*] **state natural** area is no  
12 longer needed according to the guidelines of the Oregon Natural [*Heritage*] **Areas** Plan.

13 (b) The dedication of a [*natural heritage conservation*] **state natural** area by a private individual  
14 or organization may be terminated by the private individual or organization after the council is as-  
15 sured that there has been compliance with the procedures required by the terms of the dedication  
16 instrument.

17 (c) The dedication of a [*natural heritage conservation*] **state natural** area may be terminated by  
18 the board upon the advice of the council if the area is no longer needed according to the guidelines  
19 of the plan, or has permanently lost its natural character.

20 **SECTION 8.** ORS 273.591 is amended to read:

21 273.591. The Natural [*Heritage*] **Areas** Program Account is established within the General Fund  
22 of the State Treasury. All moneys received by the State Land Board for the purposes of ORS 273.563  
23 to 273.591 shall be paid into the State Treasury and credited to the account. All moneys in the ac-  
24 count are continuously appropriated for the use of the board in carrying out the provisions of ORS  
25 273.563 to 273.591.

26 **SECTION 9.** ORS 308A.706 is amended to read:

27 308A.706. (1) Notwithstanding that land may have been disqualified from special assessment, the  
28 additional taxes described under ORS 308A.703 shall not be imposed and shall remain a potential tax  
29 liability if, as of the date the disqualification is taken into account on the assessment and tax roll,  
30 the land is any of the following:

31 (a) Disqualified exclusive farm use zone farmland or nonexclusive farm use zone farmland that:

32 (A) Is not being used as farmland; and

33 (B) Is not being used for industrial, commercial, residential or other use that is incompatible  
34 with a purpose to return the land to farm use.

35 (b) Acquired by a governmental agency or body as a result of an exchange of the land for land  
36 of approximately equal value held by the governmental agency or body.

37 (c) Acquired and used for natural heritage purposes and all of the following additional require-  
38 ments are met:

39 (A) The land is registered under ORS 273.581 as a [*natural heritage conservation*] **state natural**  
40 area;

41 (B) The land is acquired by a private nonprofit corporation;

42 (C) The land is retained by the corporation, or transferred to the state by the corporation, for  
43 the purpose of educational, scientific and passive recreational use consistent with conservation of  
44 the ecological values and natural heritage elements of the area;

45 (D) If the land is retained by the corporation, it remains open to the public without charge for

1 the uses described in subparagraph (C) of this paragraph; and

2 (E) The land is managed pursuant to a voluntary management agreement under ORS 273.581 (5).

3 (d) Qualified for special assessment under:

4 (A) ORS 308A.062, relating to farm use special assessment of land in an exclusive farm use zone;

5 (B) ORS 308A.068, relating to farm use special assessment of nonexclusive farm use zone  
6 farmland;

7 (C) ORS 321.358, relating to classification as designated forestland in western Oregon;

8 (D) ORS 321.839, relating to classification as designated forestland in eastern Oregon;

9 (E) ORS 321.709, relating to qualification as small tract forestland;

10 (F) ORS 308A.424, relating to wildlife habitat special assessment; or

11 (G) ORS 308A.456, relating to conservation easement special assessment.

12 (e) Disqualified nonexclusive farm use zone farmland, to the extent the additional taxes are de-  
13 ferred or abated as provided in ORS 308A.119.

14 (2) In any case where the additional tax is deferred under the provisions of this section but may  
15 subsequently be imposed under ORS 308A.712, the county assessor shall continue to enter the no-  
16 tation "potential additional tax liability" on the assessment and tax roll.

17 **SECTION 10.** ORS 308A.712 is amended to read:

18 308A.712. (1) If the disqualification of land from special assessment results in the deferral of  
19 additional taxes under ORS 308A.706:

20 (a) The amount of deferred additional taxes shall be determined as provided for in this section  
21 in lieu of ORS 308A.703; and

22 (b) The deferred additional taxes shall be added to the assessment and tax roll for the year in  
23 which the event described in subsections (2) to (6) of this section is first taken into account for  
24 property tax purposes, to be collected and distributed in the same manner as other ad valorem  
25 property taxes.

26 (2) If additional taxes are deferred under ORS 308A.706 (1)(a) (relating to compatible nonuse of  
27 farmland) and subsequently the land is changed to an industrial, commercial, residential or other  
28 use incompatible with a return of the land to farm use, then:

29 (a) The amount of additional tax due for each year to which the additional tax applies shall be  
30 the difference between the taxes assessed against the land and the taxes that would have been as-  
31 sessed against the land in that year had the land not been in special assessment; and

32 (b) The number of years for which the additional tax shall be collected shall be the total number  
33 of years (whether or not continuous) that the farm use special assessment was in effect for the land,  
34 not to exceed:

35 (A) In the case of disqualified exclusive farm use zone farmland located outside an urban growth  
36 boundary, 10 tax years, or such lesser number of years, corresponding to the number of years of  
37 farm use zoning applicable to the property; or

38 (B) In the case of all other farmland disqualified from farm use special assessment, five tax  
39 years.

40 (3)(a) If additional taxes are deferred under ORS 308A.706 (1)(b) (relating to government ex-  
41 change of land), additional taxes shall be collected when the land acquired as a result of the ex-  
42 change is disqualified from special assessment. The additional taxes shall equal the total amount of  
43 additional taxes under ORS 308A.703 (2) attributable to the number of years the land transferred to  
44 the governmental agency or body received the special assessment before the exchange plus the  
45 number of years, if any, the land acquired from the governmental agency or body received a special

1 assessment after the exchange.

2 (b) The total number of years taken into account shall not exceed the maximum number of years  
 3 for which additional taxes may be collected under the provision of law applicable to either the ex-  
 4 changed land (immediately before the exchange) or the acquired land, whichever is greater.

5 (4) If additional taxes are deferred under ORS 308A.706 (1)(c) (relating to [*natural heritage*] **state**  
 6 **natural areas**), the additional taxes that would have been imposed under ORS 308A.703 at the time  
 7 of disqualification shall be collected when the land is no longer used as described in ORS 308A.706  
 8 (1)(c).

9 (5) If additional taxes are deferred under ORS 308A.706 (1)(d) (relating to change in special as-  
 10 sessment), the additional taxes that would have been collected at the time of disqualification shall  
 11 be collected at the time the land is disqualified from any other special assessment law listed in ORS  
 12 308A.706 (1)(d). The total amount of additional tax shall be calculated as follows:

13 (a) The amount of the additional tax due for each year to which the additional tax applies shall  
 14 be the difference between the taxes assessed against the land and the taxes that would have been  
 15 assessed against the land in that year had the land not been in special assessment; and

16 (b) The number of years for which the additional tax shall be collected shall be the total number  
 17 of continuous tax years that a special assessment listed in ORS 308A.706 (1)(d) was in effect for the  
 18 land, not to exceed:

19 (A) Five tax years; or

20 (B) If the property had, within the past 10 tax years, been disqualified from a special assessment  
 21 program described in ORS 308A.703 (3)(a) to (c) and had been continuously subject to special as-  
 22 sessment, then 10 tax years. However, the number of continuous preceding years of special assess-  
 23 ment under the special assessment programs listed in ORS 308A.703 (3)(d) that may be taken into  
 24 consideration for purposes of computing the additional tax may not exceed five years.

25 (6) In determining the additional tax under subsection (5) of this section, the number of contin-  
 26 uous preceding years of special assessment counted shall not include those years in which the land  
 27 was specially assessed under any of the special assessment laws listed in ORS 308A.706 (1)(d) prior  
 28 to a disqualification of the land for special assessment as exclusive farm use zone farmland under  
 29 the conditions described in ORS 308A.709 (6).

30 **SECTION 11.** ORS 352.239 is amended to read:

31 352.239. (1) There is created within the Department of Higher Education the Institute for Na-  
 32 tural Resources. The Institute for Natural Resources shall be administered by Oregon State Uni-  
 33 versity **and other institutions in the Oregon University System.**

34 (2) The Institute for Natural Resources shall serve the following purposes:

35 (a) Serve as a clearinghouse for scientifically based natural resources information.

36 (b) Provide scientifically based natural resources information to the public in integrated and  
 37 accessible formats.

38 (c) Coordinate efforts with other state agencies and bodies to provide natural resources infor-  
 39 mation to the public in a comprehensive manner.

40 (d) Facilitate and conduct research.

41 (e) Provide information and technical tools to assist decision-making on natural resources issues.

42 (f) Assist the State Land Board in carrying out the Natural [*Heritage*] **Areas** Program by main-  
 43 taining a data bank [*containing*] **that contains** a classification of natural heritage elements and an  
 44 inventory of the locations of the elements. **At a minimum, the institute shall record in the data**  
 45 **bank the location of state natural areas, the natural heritage elements in those areas, sites**

1 **that are inhabited by rare species, and lists that rank by rarity species, plant communities**  
 2 **and ecosystem types.** *[All data obtained through personal observation on private land by employees*  
 3 *of Oregon State University working in the Natural Heritage Program may be entered into the data*  
 4 *bank only with the written permission of the landowner.]* **The institute shall make the information**  
 5 **included in the data bank available to private landowners, researchers and local, state and**  
 6 **federal agencies.**

7 **(3) When making observations on private land, an employee of an institution in the**  
 8 **Oregon University System who is compiling information for the Natural Areas Program**  
 9 **pursuant to subsection (2)(f) of this section must obtain permission from the landowner be-**  
 10 **fore entering the information into the data bank.**

11 [(3)] (4) Using existing resources, state agencies designated by the Governor shall enter into a  
 12 memorandum of understanding, or other agreement deemed appropriate by the Governor, with the  
 13 institute that defines and clarifies the roles and responsibilities of the agencies in order to prevent  
 14 duplication of effort and to ensure that agency resources are used efficiently.

15 [(4)] (5) State agencies may contract with the institute to fulfill agency needs regarding the  
 16 collection, storage, integration, analysis, dissemination and monitoring of natural resources infor-  
 17 mation and natural resources research and training.

18 **SECTION 12.** ORS 517.971 is amended to read:

19 517.971. Each applicant for a permit to operate a chemical process mining operation shall submit  
 20 a consolidated application to the State Department of Geology and Mineral Industries. The depart-  
 21 ment and the permitting and cooperating agencies shall not begin deliberating on whether to issue  
 22 a permit until the department receives an application fee and a complete consolidated application  
 23 that includes but is not limited to:

24 (1) Name and location of the proposed facility.

25 (2) Name, mailing address and phone number of the applicant and a registered agent for the  
 26 applicant.

27 (3) The legal structure of the applicant as filed in the business registry with the Secretary of  
 28 State and the legal residence of the applicant.

29 (4) Mineral and surface ownership status of the proposed facility.

30 (5) Baseline data, including but not limited to environmental, socioeconomic, historical,  
 31 archaeological conditions, land use designations and special use designations in the area of the state  
 32 in which the proposed chemical process mining operation is located.

33 (6) Appropriate maps, aerial photos, cross-sections, plans and documentation.

34 (7) A proposed:

35 (a) Mine plan;

36 (b) Processing plan;

37 (c) Water budget;

38 (d) Fish and wildlife protection and mitigation plan;

39 (e) Operational monitoring and reporting plan;

40 (f) Reclamation and closure plan;

41 (g) Plan for controlling water runoff and run on;

42 (h) Operating plan;

43 (i) Solid and hazardous waste management plan;

44 (j) Plan for transporting and storing toxic chemicals;

45 (k) Employee training plan as required by agency rule;



- 1 (L) Seasonal or short term closure plan;  
 2 (m) Spill prevention and credible accident contingency plan;  
 3 (n) Post-closure monitoring and reporting plan; and  
 4 (o) Identification of special natural areas, including but not limited to areas designated as areas  
 5 of critical environmental concern, research natural areas, outstanding natural areas and areas des-  
 6 ignated by the Oregon Natural [*Heritage*] **Areas** Plan, as defined in state rules and federal regu-  
 7 lations.
- 8 (8) All information required by the permitting agencies to determine whether to issue or deny  
 9 the following permits as applicable to the proposed operation:
- 10 (a) Surface mining operating permits required under ORS 517.790 and 517.915;  
 11 (b) Fill and removal permits required under ORS 196.600 to 196.905;  
 12 (c) Permits to appropriate surface water or ground water under ORS 537.130 and 537.615, to  
 13 store water under ORS 537.400 and impoundment structure approval under ORS 540.350 to 540.390;  
 14 (d) National Pollutant Discharge Elimination System permit under ORS 468B.050;  
 15 (e) Water pollution control facility permit under ORS 468B.050;  
 16 (f) Air contaminant discharge permit under ORS 468A.040 to 468A.060;  
 17 (g) Solid waste disposal permit under ORS 459.205;  
 18 (h) Permit for use of power driven machinery on forestland under ORS 477.625;  
 19 (i) Permit for placing explosives or harmful substances in waters of the state under ORS 509.140;  
 20 (j) Hazardous waste storage permit under ORS 466.005 to 466.385;  
 21 (k) Local land use permits; and  
 22 (L) Any other state permit required for the proposed chemical process mining operation.
- 23 (9) All other information required by the department, a permitting agency, a cooperating agency  
 24 or the technical review team.
- 25 **SECTION 13.** ORS 527.710 is amended to read:
- 26 527.710. (1) In carrying out the purposes of ORS 527.610 to 527.770, 527.990 (1) and 527.992, the  
 27 State Board of Forestry shall adopt, in accordance with applicable provisions of ORS chapter 183,  
 28 rules to be administered by the State Forester establishing standards for forest practices in each  
 29 region or subregion.
- 30 (2) The rules shall ensure the continuous growing and harvesting of forest tree species. Con-  
 31 sistent with ORS 527.630, the rules shall provide for the overall maintenance of the following re-  
 32 sources:
- 33 (a) Air quality;  
 34 (b) Water resources, including but not limited to sources of domestic drinking water;  
 35 (c) Soil productivity; and  
 36 (d) Fish and wildlife.
- 37 (3)(a) In addition to its rulemaking responsibilities under subsection (2) of this section, the board  
 38 shall collect and analyze the best available information and establish inventories of the following  
 39 resource sites needing protection:
- 40 (A) Threatened and endangered fish and wildlife species identified on lists that are adopted, by  
 41 rule, by the State Fish and Wildlife Commission or are federally listed under the Endangered Species  
 42 Act of 1973 as amended;  
 43 (B) Sensitive bird nesting, roosting and watering sites;  
 44 (C) Biological sites that are ecologically and scientifically significant; and  
 45 (D) Significant wetlands.

1 (b) The board shall determine whether forest practices would conflict with resource sites in the  
2 inventories required by paragraph (a) of this subsection. If the board determines that one or more  
3 forest practices would conflict with resource sites in the inventory, the board shall consider the  
4 consequences of the conflicting uses and determine appropriate levels of protection.

5 (c) Based upon the analysis required by paragraph (b) of this subsection, and consistent with the  
6 policies of ORS 527.630, the board shall adopt rules appropriate to protect resource sites in the in-  
7 ventories required by paragraph (a) of this subsection.

8 (4) Before adopting rules under subsection (1) of this section, the board shall consult with other  
9 agencies of this state or any of its political subdivisions that have functions with respect to the  
10 purposes specified in ORS 527.630 or programs affected by forest operations. Agencies and programs  
11 subject to consultation under this subsection include, but are not limited to:

12 (a) Air and water pollution programs administered by the Department of Environmental Quality  
13 under ORS chapters 468A and 468B and ORS 477.013 and 477.515 to 477.532;

14 (b) Mining operation programs administered by the Department of Geology and Mineral Indus-  
15 tries under ORS 516.010 to 516.130 and ORS chapter 517;

16 (c) Game fish and wildlife, commercial fishing, licensing, wildlife and bird refuge and fish habitat  
17 improvement tax incentive programs administered by the State Department of Fish and Wildlife un-  
18 der ORS 272.060, 315.134 and ORS chapters 496, 498, 501, 506 and 509;

19 (d) Park land, Willamette River Greenway, scenic waterway and recreation trail programs ad-  
20 ministered by the State Parks and Recreation Department under ORS 358.480 to 358.545, 390.310 to  
21 390.368, 390.805 to 390.925, 390.950 to 390.989 and 390.121;

22 (e) The programs administered by the Columbia River Gorge Commission under Public Law  
23 99-663 and ORS 196.110 and 196.150;

24 (f) Removal and fill, [*natural heritage*] conservation and [*natural heritage*] conservation tax in-  
25 centive programs administered by the State Land Board and the Department of State Lands under  
26 ORS 196.800 to 196.900 and 273.553 to 273.591;

27 (g) Federal Safe Drinking Water Act programs administered by the Department of Human Ser-  
28 vices under ORS 448.273 to 448.990;

29 (h) [*Natural heritage conservation*] **Conservation and conservation tax incentive** programs  
30 administered by the Natural Heritage Advisory Council under ORS 273.553 to 273.591;

31 (i) Open space land tax incentive programs administered by cities and counties under ORS  
32 308A.300 to 308A.330;

33 (j) Water resources programs administered by the Water Resources Department under ORS  
34 536.220 to 536.540; and

35 (k) Pesticide control programs administered by the State Department of Agriculture under ORS  
36 chapter 634.

37 (5) In carrying out the provisions of subsection (4) of this section, the board shall consider and  
38 accommodate the rules and programs of other agencies to the extent deemed by the board to be  
39 appropriate and consistent with the purposes of ORS 527.630.

40 (6) The board shall adopt rules to meet the purposes of another agency's regulatory program  
41 where it is the intent of the board to administer the other agency's program on forestland and where  
42 the other agency concurs by rule. An operation performed in compliance with the board's rules shall  
43 be deemed to comply with the other agency's program.

44 (7)(a) The board may enter into cooperative agreements or contracts necessary in carrying out  
45 the purposes specified in ORS 527.630.

1 (b) The State Forestry Department shall enter into agreements with appropriate state agencies  
 2 for joint monitoring of the effectiveness of forest practice rules in protecting forest resources and  
 3 water quality.

4 (8) If, based upon the study completed pursuant to section 15 (2)(f), chapter 919, Oregon Laws  
 5 1991, the board determines that additional rules are necessary to protect forest resources pursuant  
 6 to ORS 527.630, the board shall adopt forest practice rules that reduce to the degree practicable the  
 7 adverse impacts of cumulative effects of forest practices on air and water quality, soil productivity,  
 8 fish and wildlife resources and watersheds. Such rules shall include a process for determining areas  
 9 where adverse impacts from cumulative effects have occurred or are likely to occur, and may re-  
 10 quire that a written plan be submitted for harvests in such areas.

11 (9)(a) The State Forester, in cooperation with the State Department of Fish and Wildlife, shall  
 12 identify streams for which restoration of habitat would be environmentally beneficial. The State  
 13 Forester shall select as a priority those streams where restoration efforts will provide the greatest  
 14 benefits to fish and wildlife, and to streambank and streambed stability.

15 (b) For those streams identified in paragraph (a) of this subsection, the State Forester shall en-  
 16 courage landowners to enter into cooperative agreements with appropriate state agencies for con-  
 17 duct of restoration activities.

18 (c) The board, in consultation with appropriate state agencies, shall study and identify methods  
 19 for restoring or enhancing fish and wildlife populations through restoration and rehabilitation of  
 20 sites beneficial to fish and wildlife.

21 (d) The board shall adopt rules to implement the findings of this subsection.

22 (10) In addition to its responsibilities under subsections (1) to (3) of this section, the board shall  
 23 adopt rules to reduce the risk of serious bodily injury or death caused by a rapidly moving landslide  
 24 directly related to forest practices. The rules shall consider the exposure of the public to these  
 25 safety risks and shall include appropriate practices designed to reduce the occurrence, timing or  
 26 effects of rapidly moving landslides. As used in this subsection, "rapidly moving landslide" has the  
 27 meaning given that term in ORS 195.250.

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