

House Bill 2736

Sponsored by Representative BOONE (Pre-session filed.)

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**.

Authorizes State Board of Forestry to acquire, designate or exchange state forestlands, Common School Forest Lands and Elliott State Forest Lands to create natural resource conservation areas. Establishes process for designation of natural resource conservation areas.

A BILL FOR AN ACT

1
2 Relating to the use of forestlands.

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

4 **SECTION 1. (1) The State Board of Forestry may acquire forestlands or may designate**
5 **areas on existing state forestlands to be natural resource conservation areas.**
6 **Notwithstanding ORS 530.460, the board may designate areas on Common School Forest**
7 **Lands and Elliott State Forest Lands to be natural resource conservation areas. Subject to**
8 **any covenants under ORS 530.130 or 530.147 and notwithstanding ORS 530.510 (1), in addition**
9 **to any power of the board to exchange lands under ORS 530.040 and 530.510, the board may**
10 **propose and initiate any exchange of land that the board deems to be chiefly valuable for the**
11 **production of forest crops, grazing or forest administration purposes for land of approxi-**
12 **mately equal aggregate value that the board deems to be chiefly valuable as a natural re-**
13 **source conservation area.**

14 **(2) The designation of land as a natural resource conservation area may be based on any**
15 **characteristics of the area that the board deems worthy of protection or preservation, in-**
16 **cluding but not limited to landscape features, unique or diverse biology, native fish and**
17 **wildlife habitat, impact on watershed health or water quality, flood and erosion control value**
18 **and recreational value.**

19 **(3) The State Forestry Department shall develop and submit to the board a management**
20 **plan that sets forth the nature and extent of activities that the department recommends be**
21 **permitted on the land if designated as a natural resource conservation area. The board may**
22 **modify the management plan submitted by the department. The management plan must be**
23 **specifically designed to protect and preserve all of the characteristics of that land identified**
24 **by the board as meriting designation of the land as a natural resource conservation area.**
25 **The board must have a management plan for each area of land that the board designates as**
26 **a natural resource conservation area.**

27 **(4) Notwithstanding ORS 530.050, 530.055, 530.490 and 530.500, the State Forester shall use**
28 **an integrated, scientifically based and structured approach to manage the natural resource**
29 **conservation area in a manner that protects and preserves the specific characteristics of the**
30 **area, as identified in the management plan adopted by the board.**

31 **SECTION 2. (1) If the State Board of Forestry believes that land may possess charac-**

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 teristics that merit designating the land as a natural resource conservation area, the board
2 shall solicit input concerning the land from affected local governments, the forest products
3 industry, conservation groups, qualified experts and other interested persons.

4 (2) Prior to acquiring, designating or exchanging lands to create a natural resource con-
5 servation area, the board shall hold a public hearing regarding the proposed natural resource
6 conservation area at the courthouse of each county in which lands proposed for acquisition,
7 designation or exchange are located. The board shall give notice of the time and place of each
8 hearing by publication in two successive issues of a newspaper of general circulation pub-
9 lished in the county. The notice shall contain a description of all lands involved in the actions
10 being proposed by the board. The board shall also give notice to the governing body of each
11 affected county, to any person or local government that provided input to the board and to
12 any person that has requested to be notified of board actions regarding the creation of nat-
13 tural resource conservation areas.

14 (3) Prior to the first public hearing regarding the proposed creation of the natural re-
15 source conservation area, the board shall issue a public statement that identifies the char-
16 acteristics of the land that may merit designating the land as a natural resource
17 conservation area. The statement must also include the management plan for the land de-
18 veloped and submitted by the State Forestry Department under section 1 of this 2011 Act.
19 If designation of the land as a natural resource conservation area would reduce the supply
20 of timber available for harvest within a county, the public statement must also include a
21 general description of the actions that the board proposes to take in order to offset the fi-
22 nancial impacts of that reduction in timber supply. Any actions that the board proposes to
23 take in order to offset the financial impact of a reduction in timber supply must have re-
24 ceived approval from the governing body of the affected county.

25 (4) The board shall allow testimony at the public hearing and allow a reasonable time for
26 the submission of comments or exhibits prior to taking any action regarding the proposed
27 designation of land as a natural resource conservation area and prior to the adoption of any
28 management plan for the land.

29 **SECTION 3.** (1) If the creation of a natural resource conservation area by the State
30 Board of Forestry involves an exchange of lands, in addition to land to be exchanged, a
31 monetary consideration may be provided or received when necessary to make the exchange
32 of approximately equal aggregate value. An exchange may not be made until title to the lands
33 to be received has been approved by the Attorney General. Notwithstanding ORS 530.040,
34 lands that the board receives in exchange for state forestlands may be designated and man-
35 aged as natural resource conservation areas without regard to the status of, or the laws
36 applicable to, the lands that were given in exchange by the state.

37 (2) In addition to approval by the board, the creation of a natural resource conservation
38 area requires the following:

39 (a) Approval by the governing body of each county in which the lands being acquired or
40 designated or being given or received in exchange are located;

41 (b) If involving Common School Forest Lands or Elliott State Forest Lands, approval by
42 the State Land Board by resolution; and

43 (c) If the lands being designated or lands being given in exchange were acquired by the
44 state on or after July 28, 2009, approval by any joint holder or manager of the lands being
45 designated or given.

1 **SECTION 4.** If the State Board of Forestry believes that the designation of an area as a
2 natural resource conservation area is no longer warranted, or that the management plan for
3 a designated natural resource conservation area should be amended, prior to removing the
4 designation or amending the management plan the board shall publicly solicit input and
5 conduct public hearings in the same manner as described in section 2 of this 2011 Act for the
6 designation of a natural resource conservation area.

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