



Oregon

John A. Kitzhaber, MD, Governor

Department of Forestry

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"STEWARDSHIP IN FORESTRY"

February 7, 2013

The Honorable Arnie Roblan, Chair
Senate Rural Communities and Economic Development Committee
Room 347, State Capitol
Salem, OR 97310

RE: SB 31 – Forestland Classification

Dear Chair Roblan and Members of the Committee:

The Department of Forestry appreciates the opportunity to provide testimony in support of SB 31.

The Oregon Department of Forestry (ODF) Fire Protection Program provides wildfire protection on about sixteen million acres of private, county, state, and federally owned forestland in Oregon. A primary source of revenue for this protection is a "forest patrol assessment" from owners of protected forestland. For many decades, lands have been classified and assessed according to whether they are primarily suited for *timber production* (Class 1), *timber and grazing* (Class 2), or *grazing and other agricultural use* (Class 3).

The ODF forestland classification system originated when conflicts arose between timber and grazing interests over the use of fire to develop and maintain grazing land in southwestern Oregon. One result of this conflict was passage of the Forest Land Classification Act by the Oregon Legislature in 1937. By the 1950s, the system had been adopted statewide with significant regional variation in interpretation and application.

In response to these regional variations and frequent issues and questions arising with field classification efforts, in early 2007 ODF executive staff formally initiated a thorough statewide review of the statutes, rules and policy that make up its forestland classification framework.

A few of the recommendations from the statewide forestland classification review were included in SB189 that was passed during the 2009 Legislative session. One of these changes removed the phrase "or representative thereof" when describing the membership of the classification committee. The phrase, when previously included, allowed private companies, corporations, landowners that own and manage large tracts of forestland, and counties to designate employees

to participate on county forestland classification committees. When the phrase was removed, the unintended consequence was a limitation imposed on the above mentioned entities, when they may have a significant amount of landholdings within the county.

SB 31 recognizes the importance of participation of these entities by once again allowing a representative of the landowner to participate as a member of a county forestland classification committee.

The other key change contained in SB 31 provides the State Forester the ability to intervene if a county forestland classification committee's final order is appealed in circuit court. Under the existing framework it appears that the classification committees themselves might have to present a defense, with neither the fiscal resources nor access to legal representation readily available. In any instances where defense of an order may be called for, the Department of Forestry would plan to manage this within existing budgeted resources.

The Department of Forestry again thanks the committee for the opportunity to express its support for SB 31 and stands ready to assist in any way to finalize the bill. If you wish to follow up, please contact me at 503-945-7437.

Sincerely,

Doug Grafe, Deputy Division Chief
Fire Protection Division

c: Doug Decker, State Forester
Richard Whitman, Governor's Natural Resources Advisor
ODF Executive Team
Robert Young, Fire Prevention and Policy Manager