

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1536

By JOINT COMMITTEE ON WAYS AND MEANS

March 3

1 On page 2 of the printed A-engrossed bill, line 15, after the first semicolon delete the rest of the
2 line and insert “and declaring an emergency.”.

3 On page 3, line 40, delete “, 11, 23 and 26” and insert “and 16”.

4 On page 4, line 7, delete “De-”.

5 In line 8, delete “partment of Land Conservation and Development” and insert “State Forestry
6 Department”.

7 In line 19, after the first “the” delete the rest of the line.

8 Delete lines 24 through 45 and delete pages 5 through 12 and insert:

9 **“SECTION 11. The State Forestry Department shall report regarding the development
10 of the comprehensive statewide map described in section 10 of this 2020 Act to a committee
11 of the Legislative Assembly related to natural resources in the manner provided in ORS
12 192.245 no later than February 1, 2021.**

“LAND USE AND WILDFIRE POLICY ADVISORY COMMITTEE

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16 **“SECTION 12. (1) The Director of the Department of Land Conservation and Develop-
17 ment, in consultation with counties and cities, shall organize a Land Use and Wildfire Policy
18 Advisory Committee. The committee shall consist of members appointed as described in
19 subsections (2) to (5) of this section.**

20 **“(2) The director and the State Forester, in consultation with counties and cities, shall
21 jointly appoint the following to be voting members of the committee:**

22 **“(a) One member who is a representative of a city government serving a population of
23 less than 10,000.**

24 **“(b) One member who is a representative of a city government serving a population of
25 10,000 or more but less than 25,000.**

26 **“(c) One member who is a representative of a city government serving a population of
27 25,000 or more.**

28 **“(d) One member who is a representative of a county government serving a population
29 of less than 30,000.**

30 **“(e) One member who is a representative of a county government serving a population
31 of 30,000 or more but less than 100,000.**

32 **“(f) One member who is a representative of a county government serving a population
33 of 100,000 or more.**

34 **“(g) One member who is a city land use planning director.**

35 **“(h) One member who is a county land use planning director.**

- 1 “(i) One member who is a representative of a utility company.
- 2 “(j) One member who is a representative of environmental interests.
- 3 “(k) One member who is a representative of special districts.
- 4 “(L) One member who is a representative of farming landowners.
- 5 “(m) One member who is a representative of ranching landowners.
- 6 “(n) One member who is a representative of realty interests.
- 7 “(o) One member who is a representative of land and housing development firms.
- 8 “(p) One member who is a representative of citizen land use planning organizations.
- 9 “(q) One member who is a representative of state or regional land use planning organ-
- 10 izations.
- 11 “(r) One member who is a representative of public health interests.
- 12 “(s) One member who is a representative of small forestland owners.
- 13 “(t) One member who is a representative of large forestland owners.
- 14 “(u) One member who is a representative of economic development organizations.
- 15 “(v) One member who is a representative of federally recognized Indian tribes.
- 16 “(w) One member who is a representative of the Oregon Fire Chiefs Association.
- 17 “(x) Additional members as determined by the director in consultation with counties and
- 18 cities.
- 19 “(3) The director and the State Forester shall make the joint appointments under sub-
- 20 section (2) of this section from nominations submitted by entities related to the represented
- 21 interest or entities. The related entities for appointments:
- 22 “(a) Under subsection (2)(a), (b), (c) and (g) of this section is the League of Oregon Cities.
- 23 “(b) Under subsection (2)(d), (e), (f) and (h) of this section is the Association of Oregon
- 24 Counties.
- 25 “(c) Under subsection (2)(i) of this section is any one or more of the investor-owned
- 26 utilities and consumer-owned utilities in this state.
- 27 “(d) Under subsection (2)(j) of this section is the Oregon League of Conservation Voters.
- 28 “(e) Under subsection (2)(k) of this section is the Special Districts Association of Oregon.
- 29 “(f) Under subsection (2)(L) of this section is the Oregon Farm Bureau.
- 30 “(g) Under subsection (2)(m) of this section is the Oregon Cattlemen’s Association.
- 31 “(h) Under subsection (2)(n) of this section is the Oregon Association of Realtors.
- 32 “(i) Under subsection (2)(o) of this section is the Oregon Home Builders Association.
- 33 “(j) Under subsection (2)(p) of this section is the Oregon Property Owners Association.
- 34 “(k) Under subsection (2)(q) of this section is 1000 Friends of Oregon.
- 35 “(L) Under subsection (2)(r) of this section is the Oregon Health Authority.
- 36 “(m) Under subsection (2)(s) of this section is the Oregon Small Woodlands Association.
- 37 “(n) Under subsection (2)(t) of this section is the Oregon Forest & Industries Council.
- 38 “(o) Under subsection (2)(u) of this section is Business Oregon.
- 39 “(p) Under subsection (2)(v) of this section is one or more of the tribal governing bodies
- 40 for Indian tribes in this state.
- 41 “(q) Under subsection (2)(w) of this section is the State Fire Marshal.
- 42 “(4) In addition to the members described under subsection (2) of this section, the fol-
- 43 lowing shall serve as nonvoting members of the committee:
- 44 “(a) One member appointed by the State Forester.
- 45 “(b) One member appointed by the State Fire Marshal.

1 cials and personnel and cities and counties in the region. The departments and the university
2 shall analyze the wildfire risk for each region to develop recommendations for reducing the
3 wildfire risk to people, public and private property, businesses, infrastructure and natural
4 resources in that region.

5 “(2) The State Forestry Department and the university, in consultation with the De-
6 partment of Land Conservation and Development, shall report the recommendations for re-
7 gional wildfire risk reduction to the Land Use and Wildfire Policy Advisory Committee no
8 later than October 1, 2020.

9 “(3) The departments and the committee shall analyze and evaluate the material to de-
10 velop recommendations regarding possible means for implementing the final recommen-
11 dations produced by the Governor’s Council on Wildfire Response through the statewide land
12 use planning program and local governments to minimize the risks from wildfires to people,
13 public and private property, businesses, infrastructure and natural resources.

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15 **“IMPLEMENTATION OF COUNCIL RECOMMENDATIONS**

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17 **“SECTION 15.** (1) The State Forestry Department, in collaboration with the Department
18 of Land Conservation and Development and the Land Use and Wildfire Policy Advisory
19 Committee, shall report to an interim committee of the Legislative Assembly relating to
20 natural resources in the manner provided under ORS 192.245 no later than February 1, 2021,
21 regarding possible means for implementing the final recommendations produced by the
22 Governor’s Council on Wildfire Response.

23 “(2) The report must include, but need not be limited to, the following:

24 “(a) The recommendations developed under section 14 of this 2020 Act.

25 “(b) Existing state and local maps that identify wildfire risk.

26 “(c) To the extent the Land Use and Wildfire Policy Advisory Committee and the de-
27 partments deem appropriate, new map resources that account for regional differences in
28 program information.

29 “(d) Identification of state and local resources needed to develop, maintain and update
30 wildfire risk maps.

31 “(e) Multiple recommendations regarding possible means for using the statewide planning
32 program and local governments including, but not limited to, recommendations regarding
33 revisions and updates to the statewide land use planning program and local zoning codes.

34 “(f) Planning goals related to natural hazards, including but not limited to Goal 7.

35 “(g) Existing state and local programs that minimize wildfire risk, including, but not
36 limited to, programs that identify wildlife risk through mapping or that define minimum
37 defensible space.

38 “(h) Identification of revisions to the statewide land use planning program and to local
39 building codes appropriate to minimize wildfire risks, including, but not limited to, provisions
40 regarding sufficient defensible space, safe evacuation, adequate access for wildfire fighting
41 equipment and personnel, and considerations regarding development in areas of high wildfire
42 risk that allow for regional differences in topography, vegetation, soil types and other rele-
43 vant factors.

44 “(i) Funding, staffing and other administrative resources necessary for state, county and
45 city governments to implement wildfire reduction programs, including, but not limited to, the

1 costs of program development, implementation and ongoing operations and the need for
2 stable long-term funding for the programs.

3 “(j) A description of areas of agreement and disagreement among the departments and
4 members of the Land Use and Wildfire Policy Advisory Committee.

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6 “TREATMENT PROGRAM
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8 “**SECTION 16.** (1) The State Forestry Department shall establish not more than 15
9 projects designed to reduce wildfire danger on public or private forestlands and rangelands
10 through the restoration of landscape resiliency and the reduction of hazardous fuel levels.
11 The department shall identify, design and oversee the implementation, administration,
12 maintenance and evaluation of the projects. In carrying out its functions regarding the
13 projects, the department shall, to the extent practicable, consult and cooperate with state
14 and federal agencies, counties, cities and other units of local government, public and private
15 forestland and rangeland owners, forest collaboratives and other relevant community or-
16 ganizations.

17 “(2) The State Forestry Department shall:

18 “(a) In collaboration with the Oregon State University Extension Service and other en-
19 tities, identify strategic landscapes that are ready for treatment under the projects, giving
20 priority to projects:

21 “(A) On lands currently approved for treatment projects under the National Environ-
22 mental Policy Act (42 U.S.C. 4321 et seq.);

23 “(B) On lands within areas identified as high fire risk areas in the Governor’s Council
24 on Wildfire Response November 2019: Report and Recommendations; and

25 “(C) That focus on treatments protective of human life, property, critical infrastructure
26 or other public values;

27 “(b) To the extent practicable, design the projects to:

28 “(A) Evaluate varying types of fuel treatment methods;

29 “(B) Leverage the collective power of public-private partnerships, federal funding and
30 state funding; and

31 “(C) Optimize the receipt of federal government investments that equal or exceed de-
32 partment investments;

33 “(c) Design the projects to involve existing forest-based contracting entities;

34 “(d) Design the projects to involve the Oregon Watershed Enhancement Board or other
35 state agencies as needed;

36 “(e) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders
37 holding a wide variety of perspectives regarding forest management and opportunities for
38 significant involvement by communities in proximity to project sites; and

39 “(f) Engage in careful monitoring of the project sites to produce useful information on
40 which to base recommendations to the Legislative Assembly.

41 “(3) A project under this section may not include commercial thinning on:

42 “(a) Inventoried roadless areas;

43 “(b) Riparian reserves identified in the Northwest Forest Plan or in Bureau of Land
44 Management resource management plans;

45 “(c) Late successional reserves, except to the extent consistent with the 2011 United

1 States Fish and Wildlife Service Revised Recovery Plan for the Northern Spotted Owl (*Strix*
2 *occidentalis caurina*);

3 “(d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national
4 recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;

5 “(e) Designated critical habitat for species listed as threatened or endangered under the
6 Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission
7 under ORS 496.172, unless commercial thinning is already allowed under an existing envi-
8 ronmental review or recognized habitat recovery plan; or

9 “(f) Federally designated areas of critical environmental concern or federally designated
10 wilderness study areas.

11 “(4) The department shall give public notice, and allow reasonable opportunity for public
12 input, when identifying and selecting projects under this section.

13 “SECTION 17. Section 16 of this 2020 Act does not expand, diminish or otherwise affect
14 any rights, privileges, duties or functions otherwise established under federal, state or local
15 laws, rules or regulations that pertain to the management of private lands in this state.

16 “SECTION 18. (1) The State Forestry Department shall complete the operation of
17 projects under section 16 of this 2020 Act no later than June 30, 2021.

18 “(2) The department shall report regarding progress in carrying out projects under sec-
19 tion 16 of this 2020 Act and prescribed fire activities to an interim committee of the Legis-
20 lative Assembly related to natural resources, in the manner provided by ORS 192.245, and to
21 the Governor no later than December 1, 2020. The report shall include, but need not be lim-
22 ited to:

23 “(a) A summary of project selection, the initial outcome of project implementation ac-
24 tivities, anticipated time frames for project completions and any initial findings or recom-
25 mendations resulting from project identification, design or implementation activities;

26 “(b) A description of the funding source types and amounts secured by the department
27 as matching funds to implement projects; and

28 “(c) A summary of forestland and rangeland treatment activities using prescribed fire to
29 reduce wildfire danger, the initial outcome of the prescribed fire activities, disincentives or
30 other factors affecting the carrying out of the prescribed fire activities, management of the
31 prescribed fire activities and any initial findings or recommendations resulting from the
32 prescribed fire activities.

33 “(3)(a) The department shall report its findings and recommendations regarding wildfire
34 danger reduction on forestland and rangeland, based on information obtained from the
35 projects described in section 16 of this 2020 Act and from prescribed fire activities to an in-
36 terim committee of the Legislative Assembly related to natural resources, in the manner
37 provided by ORS 192.245, and to the Governor no later than September 15, 2021. The report
38 shall include, but need not be limited to:

39 “(A) A qualitative and quantitative summary of the project outcomes that, at a mini-
40 mum, states the number of acres treated, the treatment actions carried out, the amount and
41 commercial value of timber harvested if not exempt from public disclosure and any resulting
42 or anticipated changes in landscape conditions related to enhanced resiliency or the miti-
43 gation of wildfire risk to public values;

44 “(B) The identification of barriers to more efficient implementation and achievement of
45 goals in future wildfire danger reduction projects;

1 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**
2 **on its passage.”**

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