

SB 1514-3
(LC 225)
2/6/20 (CDT/ps)

Requested by SENATE COMMITTEE ON WILDFIRE REDUCTION AND RECOVERY (at the request of Senator Jeff Golden)

**PROPOSED AMENDMENTS TO
SENATE BILL 1514**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete page
2 2 and insert:

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

14 **“(2) The State Forestry Department shall:**

15 **“(a) In collaboration with the Oregon State University Extension**
16 **Service and other entities, identify strategic landscapes that are ready**
17 **for treatment under the projects, giving priority to projects:**

18 **“(A) On lands currently approved for treatment projects under the**
19 **National Environmental Policy Act (42 U.S.C. 4321 et seq.);**

20 **“(B) On lands within areas identified as high fire risk areas in the**
21 **Governor’s Council on Wildfire Response November 2019: Report and**

1 **Recommendations; and**

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

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

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

6 **“(B) Leverage the collective power of public-private partnerships,**
7 **federal funding and state funding; and**

8 **“(C) Optimize the receipt of federal government investments that**
9 **equal or exceed department investments;**

10 **“(c) Design the projects to involve existing forest-based workforce**
11 **development programs and workforce businesses, giving emphasis to**
12 **workforce programs for youth;**

13 **“(d) Design the projects to involve existing forest-based contracting**
14 **entities;**

15 **“(e) Design the projects to involve the Oregon Watershed En-**
16 **hancement Board or other state agencies as needed;**

17 **“(f) Affirmatively seek, and enhance opportunities for, collab-**
18 **oration from stakeholders holding a wide variety of perspectives re-**
19 **garding forest management and opportunities for significant**
20 **involvement by communities in proximity to project sites; and**

21 **“(g) Engage in careful monitoring of the project sites to produce**
22 **useful information on which to base recommendations to the Legisla-**
23 **tive Assembly.**

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

26 **“(a) Inventoried roadless areas;**

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

29 **“(c) Late successional reserves, except to the extent consistent with**
30 **the 2011 United States Fish and Wildlife Service Revised Recovery Plan**

1 for the Northern Spotted Owl (*Strix occidentalis caurina*);

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

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

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

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

15 “SECTION 2. Section 1 of this 2020 Act does not expand, diminish
16 or otherwise affect any rights, privileges, duties or functions otherwise
17 established under federal, state or local laws, rules or regulations that
18 pertain to the management of private lands in this state.

19 “SECTION 3. (1) The State Forestry Department shall complete the
20 operation of projects under section 1 of this 2020 Act no later than
21 June 30, 2021.

22 “(2) The department shall report regarding progress in carrying out
23 projects under section 1 of this 2020 Act and prescribed fire activities,
24 and regarding department activities under section 6 of this 2020 Act,
25 to an interim committee of the Legislative Assembly related to natural
26 resources, in the manner provided by ORS 192.245, and to the Governor
27 no later than December 1, 2020. The report shall include, but need not
28 be limited to:

29 “(a) A summary of project selection, the initial outcome of project
30 implementation activities, anticipated time frames for project com-

1 pletions and any initial findings or recommendations resulting from
2 project identification, design or implementation activities;

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

5 “(c) A summary of forestland and rangeland treatment activities
6 using prescribed fire to reduce wildfire danger, the initial outcome of
7 the prescribed fire activities, disincentives or other factors affecting
8 the carrying out of the prescribed fire activities, management of the
9 prescribed fire activities and any initial findings or recommendations
10 resulting from the prescribed fire activities.

11 “(3)(a) The department shall report its findings and recommen-
12 dations regarding wildfire danger reduction on forestland and
13 rangeland, based on information obtained from the projects described
14 in section 1 of this 2020 Act and from prescribed fire activities, and
15 regarding department activities under section 6 of this 2020 Act, to an
16 interim committee of the Legislative Assembly related to natural re-
17 sources, in the manner provided by ORS 192.245, and to the Governor
18 no later than September 15, 2021. The report shall include, but need
19 not be limited to:

20 “(A) A qualitative and quantitative summary of the project out-
21 comes that, at a minimum, states the number of acres treated, the
22 treatment actions carried out, the amount and commercial value of
23 timber harvested if not exempt from public disclosure and any result-
24 ing or anticipated changes in landscape conditions related to enhanced
25 resiliency or the mitigation of wildfire risk to public values;

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

28 “(C) Recommendations for creating optimal working relationships
29 with forest collaboratives and other relevant community organizations
30 regarding design, implementation and cost recovery for future wildfire

1 **danger reduction projects;**

2 **“(D) A description of the funding source types and amounts secured**
3 **by the department as matching funds to carry out projects;**

4 **“(E) Recommendations for investment in future wildfire danger re-**
5 **duction projects;**

6 **“(F) A qualitative and quantitative summary of the use of pre-**
7 **scribed fire activities for wildfire danger reduction that, at a mini-**
8 **imum, states the number of acres burned and any resulting or**
9 **anticipated changes in landscape conditions related to enhanced**
10 **resiliency or the mitigation of wildfire risk to public values;**

11 **“(G) The identification of existing disincentives to the use of pre-**
12 **scribed fire;**

13 **“(H) Recommendations regarding the appropriate standard of care**
14 **for the use of prescribed fire;**

15 **“(I) Recommendations for facilitating the establishment of a state-**
16 **wide voluntary Prescribed Burn Manager Certificate program; and**

17 **“(J) Recommendations regarding means for increasing the quantity**
18 **of wildfire danger reduction projects to achieve the scale of reduction**
19 **envisioned as a 20-year goal in the Governor’s Council on Wildfire**
20 **Response November 2019: Report and Recommendations.**

21 **“(b) In developing the report required under this subsection, the**
22 **department shall work in coordination with federal land management**
23 **agencies, institutions of higher education and third parties to develop**
24 **consistent performance measurements and condition-based metrics for**
25 **monitoring and communicating the effectiveness of state investments,**
26 **project actions and prescribed fire activities in reducing wildfire dan-**
27 **ger on public or private forestlands and rangelands.**

28 **“SECTION 4. In addition to and not in lieu of any other appropri-**
29 **ation, there is appropriated to the State Forestry Department, for the**
30 **biennium ending June 30, 2021, out of the General Fund, the amount**

1 of \$25,000,000, which may be expended for purposes related to the
2 projects described in section 1 of this 2020 Act.

3 **“SECTION 5.** Sections 1, 2 and 3 of this 2020 Act are repealed on
4 January 2, 2024.

5 **“SECTION 6.** The State Forestry Department shall:

6 **“(1)** To the extent practicable, identify and remove disincentives to
7 the use of prescribed fire.

8 **“(2)(a)** Review existing statutes and rules that establish standards
9 of care regarding the use of prescribed fire in this state; and

10 **“(b)** Evaluate the implications, impacts and potential benefits of
11 changing the standard of care regarding the use of prescribed fire in
12 this state to provide that liability for prescribed fire use exists only
13 upon proof of gross negligence.

14 **“(3)** In collaboration with the Oregon State University Extension
15 Service, relevant state and federal agencies, natural resource special-
16 ists and other entities, propose a framework for the operation of a
17 statewide voluntary Prescribed Burn Manager Certificate standard and
18 program.

19 **“SECTION 7.** Section 6 of this 2020 Act does not expand, diminish
20 or otherwise affect any rights, privileges, duties or functions otherwise
21 established under federal, state or local laws, rules or regulations that
22 pertain to the management of private lands in this state.

23 **“SECTION 8.** The State Forestry Department shall complete the
24 identification of disincentives, review of statutes and rules, standard
25 of care evaluation and development of a framework proposal as pro-
26 vided in section 6 of this 2020 Act no later than June 30, 2021.

27 **“SECTION 9.** This 2020 Act being necessary for the immediate
28 preservation of the public peace, health and safety, an emergency is
29 declared to exist, and this 2020 Act takes effect on its passage.”.

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