

A-Engrossed
House Bill 3142

Ordered by the House March 27
Including House Amendments dated March 27

Sponsored by Representatives HELM, RESCHKE, OWENS, LEVY B; Representative MCINTIRE

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.

Directs Oregon Department of Administrative Services to provide grants to counties and soil and water conservation districts for *[removal]* **treatment** of western juniper. Appropriates moneys for grants. Requires department to provide grants within 60 days of effective date of Act.

Directs department to provide grant to organization operating in specified counties to coordinate western juniper treatment activities.

Directs Oregon State University to work with grant recipients to establish monitoring areas.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to western juniper; and declaring an emergency.

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

4 **SECTION 1.** (1) As used in this section, “local workforce development board” and
5 “workforce program” have the meanings given those terms in ORS 660.300.

6 (2) The Oregon Department of Administrative Services shall provide grants to soil and
7 water conservation districts organized under ORS 568.210 to 568.808 and 568.900 to 568.933 and
8 to counties for the treatment of western juniper to minimize the negative impacts of western
9 juniper on water resources and ecological health.

10 (3) Grant recipients shall use grant funds only to:

11 (a) Consistent with the requirements of this section, treat western juniper in areas where
12 treatment will provide the greatest benefit to water resources and ecological health;

13 (b) Consistent with the requirements of this section, remove western juniper at times,
14 and using methods, that will reduce the risk of repropagation after removal; and

15 (c) Cover the administrative expenses of the grant recipient related to the grant pro-
16 gram, except that no more than eight percent of grant funds may be used to cover admin-
17 istrative expenses.

18 (4) In determining areas to conduct western juniper treatment, grant recipients shall
19 incorporate criteria from the western juniper management field guide developed by the
20 Oregon Watershed Enhancement Board, including:

21 (a) Conifer encroachment prioritization;

22 (b) Hydrological prioritization, including a consideration of the location of the proposed
23 project site in relation to surface waters;

24 (c) Biological prioritization, including resilience to disturbance and resistance to exotic
25 annual grasses; and

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 (d) Canopy interspaces, including bunchgrass age classes and exotic annual grasses or
2 noxious weeds present at intermediate levels in interspaces.

3 (5) In selecting treatment project sites and conducting treatment, grant recipients shall
4 seek to retain old growth juniper trees, as determined by tree characteristics that include:

5 (a) Flattened, rounded or uneven tops;

6 (b) A spreading crown;

7 (c) Large branches near the base of the tree;

8 (d) Large, dead branches, missing bark and abundant light green lichen;

9 (e) Thick fibrous bark with well-developed vertical furrows; and

10 (f) Leader growth in the upper quarter of the tree that is less than one inch per year.

11 (6) Treatment sites must be no less than 100 acres.

12 (7) Pretreatment analysis of treatment sites must include:

13 (a) Risk assessments for annual grass weeds; and

14 (b) An analysis of existing perennial understory to determine if reseeding is required.

15 (8) Fuel loads associated with western juniper treatment shall be removed from the
16 treatment site.

17 (9) Any grazing plan for a treatment site must be developed in cooperation with the
18 landowner and the applicable soil and water conservation district.

19 (10) A grant recipient shall develop a post-treatment maintenance plan for the treatment
20 site prior to beginning treatment.

21 (11) Grant applicants may consult with Oregon State University, local governments, as
22 defined in ORS 174.116, conservation organizations or other organizations or experts to
23 identify areas that meet the criteria described in subsection (3)(a) of this section.

24 (12) A grant recipient shall:

25 (a) Work with Oregon State University to track and monitor the effects of the program
26 on water resources, ecological health and economic and workforce development and to pro-
27 vide quarterly and annual reports to the department;

28 (b) Work with a local workforce development board or other organizations to create or
29 expand an existing workforce program that provides services to individuals performing
30 western juniper treatment or to allow individuals performing western juniper treatment to
31 participate in an existing workforce program; and

32 (c)(A) Prepare reports describing any proposed, ongoing or completed western juniper
33 treatment project including:

34 (i) Site conditions before treatment;

35 (ii) Project methodologies and implementation;

36 (iii) Site conditions and maintenance efforts after treatment; and

37 (iv) An assessment of the effectiveness of the treatment.

38 (B) A grant recipient shall submit the reports required under this paragraph to Oregon
39 State University no later than two and five years, respectively, after receiving a grant under
40 this section and shall make the reports publicly available.

41 **SECTION 2.** (1) Oregon State University shall work with recipients of grants under sec-
42 tion 1 of this 2023 Act to establish monitoring areas in central Oregon, Harney County and
43 Klamath County.

44 (2) Monitoring must be conducted for a period of at least five years and must include:

45 (a) Overstory and understory vegetation surveys to assess soil, water and vegetation re-

1 lationships; and

2 (b) Monitoring of soil moisture, springflow, streamflow and weather.

3 (3) Monitoring may include technological platforms or other systems to monitor
4 vegetative cover, perennial grass cover, annual grass cover or tree and shrub cover.

5 **SECTION 3.** (1) The Oregon Department of Administrative Services shall provide a grant
6 to an organization formed pursuant to an intergovernmental agreement under ORS chapter
7 190 that operates in at least three of the following counties:

8 (a) Crook County;

9 (b) Jefferson County;

10 (c) Klamath County;

11 (d) Deschutes County;

12 (e) Harney County; or

13 (f) Lake County.

14 (2) The organization shall:

15 (a) In rural areas of this state, coordinate efforts to identify and apply for sources of
16 funding for western juniper treatment, or other water conservation projects, among cities,
17 counties or other organizations; and

18 (b) Coordinate activities among grant recipients described in section 1 of this 2023 Act.

19 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
20 ated to the Oregon Department of Administrative Services, for the biennium beginning July
21 1, 2023, out of the General Fund, the following amounts which may be expended for the
22 purposes of providing grants under section 1 of this 2023 Act, as follows:

23 (1) \$1,750,000 for providing a grant to a soil and water conservation district located in
24 Crook County.

25 (2) \$1,250,000 for providing a grant to a soil and water conservation district located in
26 Jefferson County.

27 (3) \$1,000,000 for providing a grant to a soil and water conservation district located in
28 Klamath County.

29 (4) \$500,000 for providing a grant to a soil and water conservation district located in
30 Deschutes County.

31 (5) \$2,500,000 for providing a grant to soil and water conservation district located in
32 Harney County.

33 (6) \$1,000,000 for providing a grant to a soil and water conservation district located in
34 Lake County.

35 (7) \$1,000,000 for providing a grant to Wheeler County.

36 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
37 ated to the Oregon Department of Administrative Services, for the biennium beginning July
38 1, 2023, out of the General Fund, the amount of \$350,000, which may be expended for the
39 purpose of carrying out section 3 of this 2023 Act.

40 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
41 ated to the Higher Education Coordinating Commission, for the biennium beginning July 1,
42 2023, out of the General Fund, the amount of \$800,000 for distribution to Oregon State Uni-
43 versity for the purpose of carrying out the provisions of section 1 of this 2023 Act.

44 **SECTION 7.** The Oregon Department of Administrative Services shall provide the grants
45 described in section 4 of this 2023 Act no later than July 1, 2023, or 60 days after the effective

1 **date of this 2023 Act, whichever is later.**

2 **SECTION 8. This 2023 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
4 **on its passage.**

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