

SENATE AMENDMENTS TO SENATE BILL 1072

By COMMITTEE ON RULES

July 7

1 On page 1 of the printed bill, delete lines 5 through 21 and insert:

2 “Whereas some of Oregon’s forested lands are increasingly jeopardized by vulnerability to
3 drought stress, the risk of uncharacteristic insect and disease outbreaks and uncharacteristic
4 wildfires fed by excess small tree stocking and forest fuels; and

5 “Whereas reducing vulnerability to drought stress and the risk of uncharacteristic insect and
6 disease outbreaks and uncharacteristic wildfires through active forest management that reduces the
7 stocking of small understory trees while maintaining a forest structure of larger, dominant older
8 trees with shrub and herbaceous ground cover is of interest to all Oregon residents; and

9 “Whereas such active forest management may restore structural diversity of forest stands, en-
10 hance wildlife habitat and create other ecological, economic and social benefits; and

11 “Whereas federal and state funds are not sufficient to carry out the necessary management ac-
12 tivities to restore forest resilience and reduce the risk of uncharacteristic insect and disease out-
13 breaks and uncharacteristic wildfires or to restore ecological values on forestlands; and

14 “Whereas suppressing uncharacteristic wildfires affects federal, state and county treasuries; and

15 “Whereas increased participation by the residents of this state and by state agencies in the de-
16 velopment of federal forestland policies and management plans may improve the management of
17 those lands; and

18 “Whereas the development of a means to utilize biomass harvested from federal lands in an
19 ecologically beneficial manner may assist in reducing the wildfire risk while reducing costs to the
20 state; and

21 “Whereas changes in the management of federal forests may produce a range of benefits to all
22 Oregonians; and

23 “Whereas the State Board of Forestry is charged by ORS chapter 526 with the supervision of
24 all matters of forest policy and management under the jurisdiction of the state; now, therefore,”.

25 Delete lines 23 through 30 and delete pages 2 and 3 and insert:

26 “**SECTION 1. The Legislative Assembly finds and declares that:**

27 “**(1) The State Forestry Department is well-positioned, due to experience in managing**
28 **Oregon forests and its understanding of science-based, active forest management, to facili-**
29 **tate state government participation in forest management on federal lands located within the**
30 **state.**

31 “**(2) The State Department of Fish and Wildlife and the Department of Environmental**
32 **Quality have expertise in managing fish and wildlife habitat and water quality on federal**
33 **lands and have an important role to play in the management of federal forests located within**
34 **the state.**

35 “**(3) A collaborative relationship between the State Forestry Department, the federal**

1 government, other agencies of the executive department, as defined in ORS 174.112, inter-
2 ested persons and nongovernmental organizations may restore the health, diversity and
3 resilience of federal forests by increasing the information shared and by providing a variety
4 of perspectives on site-specific and landscape-level determinations.

5 “(4) In cooperation with the State Forestry Department and the federal government,
6 many communities in wildfire-prone areas have completed a community wildfire protection
7 plan that identifies priority areas for hazardous fuel removal from federal lands.

8 “(5) The federal government has provided opportunities for agencies of the executive de-
9 partment, as defined in ORS 174.112, to become involved, to a greater extent, in the man-
10 agement of federal lands through the use of stewardship contract agreements.

11 “SECTION 2. In furtherance of the policy established in section 1 of this 2005 Act, the
12 State Board of Forestry, in consultation with the Governor, may:

13 “(1) In conformance with federal law, including Public Law 108-7, direct the State
14 Forester to facilitate the development of stewardship contracts utilizing local, private con-
15 tractors and, when appropriate, to seek and enter into a stewardship contract agreement
16 with federal agencies to carry out forest management activities on federal lands. The State
17 Forester may, under the stewardship contract agreements:

18 “(a) Perform road and trail maintenance;

19 “(b) Set prescribed fires to improve forest health, composition, structure and condition;

20 “(c) Remove vegetation and small diameter trees;

21 “(d) Perform watershed restoration and maintenance;

22 “(e) Restore wildlife habitat;

23 “(f) Control exotic weeds and species; and

24 “(g) Perform other activities related to stewardship.

25 “(2) Create a forum for interagency cooperation and collaborative public decision-making
26 regarding federal forest management issues that may include, at the discretion of the board,
27 the appointment of advisory committees, the use of existing advisory committees and pro-
28 cedures for holding public hearings.

29 “(3) Provide guidelines for the State Forestry Department and State Forester to follow
30 that contain directions regarding the management of federal lands and that specify the goals
31 and objectives of the board regarding the management of federal lands.

32 “(4) Participate, to the extent allowed by federal law, in the development of federal forest
33 policies and the forest management planning processes of federal agencies.

34 “(5) Provide guidelines for the department to follow in implementing this section.

35 “(6) Coordinate with Oregon State University, the State Department of Fish and Wildlife,
36 the Oregon Forest Resources Institute, the Department of Environmental Quality, the Eco-
37 nomic and Community Development Department, the State Department of Energy and other
38 agencies of the executive department, as defined in ORS 174.112, to assist the State Forestry
39 Department in carrying out the provisions of this section.

40 “SECTION 3. The Legislative Assembly finds and declares that:

41 “(1) Forestlands in federal, state and private ownership comprise some of the most im-
42 portant environmental, economic and recreational resources in the State of Oregon. How-
43 ever, federal lands, and to a lesser extent state and private lands, are increasingly
44 jeopardized by the risk of drought-induced mortality, uncharacteristic insect and disease
45 outbreaks and uncharacteristic wildfires.

1 “(2) Enhancing wildlife habitat and other ecological values and reducing the risk of un-
2 characteristic insect and disease outbreaks and uncharacteristic wildfires through forest
3 management are of interest to the residents of this state. Federal and state funds have not
4 proven sufficient to carry out the management activities necessary to achieve these goals
5 on federal lands, and it is unlikely that the funds will be available on a continuous basis.

6 “(3) The development of new market-based solutions to reduce the risk of uncharacter-
7 istic insect and disease outbreaks and uncharacteristic wildfires may reduce the requirement
8 for public funding. The development of a biomass-based energy industry that uses forest
9 biomass unsuitable for lumber, pulp and paper products as a primary source of raw material
10 may assist in the creation of a sustainable, market-based model for restoring complexity and
11 structure to Oregon’s forests.

12 “(4) A biomass-based energy industry may provide a renewable source of energy, reduce
13 net greenhouse gas emissions, reduce air pollution from wildfires, improve fish and wildlife
14 habitat, create jobs and provide economic benefits to rural communities. Through the col-
15 lection and conversion of excess forest biomass, ancillary benefits may be realized through
16 the improvement in forest health, protection of electric transmission lines and stabilization
17 of soils within critical watersheds.

18 “(5) The collection and conversion of excess forest biomass is a mitigating action that
19 diminishes fuel loads and is not a substitute for the reintroduction of fire where appropriate
20 or other ecologically and economically sustainable practices.

21 “(6) The policy of this state is to support efforts to build, and place in service, biomass-
22 fueled energy production facilities that utilize biomass collected from forests or derived from
23 other sources such as agricultural crop residue when:

24 “(a) The facilities are conservatively scaled in proportion to sustainable supplies of
25 biomass from cost-effective sources; and

26 “(b) The set of forest values to be sustained, in addition to wood and biomass for energy,
27 is considered. Forest values include water, wildlife and recreation.

28 “(7) As used in this section and section 4 of this 2005 Act, ‘biomass’ means any organic
29 matter that is available on a renewable or recurring basis, including agricultural crops and
30 trees, wood and wood wastes and residues, plants, aquatic plants, grasses, residues, fibers,
31 animal wastes, municipal wastes and other waste materials, without diminishing the biolog-
32 ical productivity of the land, while providing for the conservation of mature trees and old
33 growth and while taking into consideration transportation costs, existing forest access, for-
34 est plan land allocations, desired future conditions, expected vegetation growth rates, social
35 acceptability and the need to sustain water quality and fish and wildlife habitat.

36 “SECTION 4. In furtherance of the policy established in section 3 of this 2005 Act, the
37 State Forester shall:

38 “(1) Establish a policy of active and inclusive communication with the federal govern-
39 ment, public bodies, as defined in ORS 174.109, residents of Oregon and interested parties
40 regarding the utilization of biomass produced through forest restoration. The State Forester
41 shall actively utilize the statutory provisions of the National Forest Management Act of 1976,
42 the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Environ-
43 mental Policy Act of 1969, the Federal Land Policy and Management Act of 1976 and the
44 Healthy Forests Restoration Act of 2003 that allow the state to participate in federal policy
45 development in a manner that expresses the policy established in section 3 of this 2005 Act.

1 “(2) Promote public involvement in the identification of the areas of interface between
2 urban lands and forestlands that pose the highest potential to threaten lives and private
3 property.

4 “(3) Solicit public comment on the location of biomass-based energy projects and con-
5 version facilities.

6 “(4) Promote public understanding, through education and outreach, of forest conditions,
7 forest management options, the potential consequences of biomass utilization, the quality
8 and quantity of biomass on federal lands and the potential for biomass utilization to assist
9 in reducing wildfire risk and in enhancing forest health, diversity and resilience. The State
10 Forestry Department may coordinate with the State Department of Energy, the Economic
11 and Community Development Department, Oregon State University, the State Department
12 of Fish and Wildlife, the Department of Environmental Quality and other entities in any ed-
13 ucation and outreach performed pursuant to this subsection.

14 “(5) Allow the State Forestry Department to conduct inventories of the types of biomass
15 available and to serve as an information resource for persons seeking to utilize biomass for
16 energy development. Notwithstanding ORS 192.501, reports on any inventories of biomass
17 conducted by the department shall be made available for public inspection.

18 “(6) Promote public understanding that biomass utilization may be an effective tool for
19 restoration of forests and for economic development in rural communities.

20 “(7) Develop and apply, with advice from the forestry program at Oregon State Univer-
21 sity, the State Department of Fish and Wildlife, the Department of Environmental Quality
22 and other sources, the best available scientific knowledge and technologies pertaining to
23 forest and wildlife habitat restoration and biomass utilization when developing rules under
24 ORS 527.630.

25 “(8) Seek opportunities to provide a source of biomass from federal, tribal, state and
26 private forests.

27 “(9) Prepare a report every three years utilizing, to the greatest extent practicable, data
28 collected from state and federal sources that specifies the effect of biomass collection and
29 conversion on the plant and wildlife resources and on the air and water quality of the state.
30 The report shall identify any changes that the State Forester determines are necessary to
31 avoid negative effects on the environment from biomass collection and conversion. The re-
32 port shall also indicate whether the level of biomass in forests in the state has been reduced
33 to an acceptable level that would allow for the repeal of this section and section 3 of this 2005
34 Act. The State Forester shall submit the report to the Governor and to an appropriate leg-
35 islative interim committee with jurisdiction over forestry issues.

36 “SECTION 5. The State Forester shall prepare a report referred to in section 4 (9) of this
37 2005 Act no later than October 1, 2008.”