

# Senate Bill 1072

Sponsored by Senator NELSON

## 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 **as introduced**.

Establishes state policy regarding utilization of forest biomass. Directs State Forester to perform specified actions to increase use of forest biomass.

Establishes state policy regarding relationship of State Forestry Department with federal forest management. Directs State Board of Forestry to perform specified actions to increase state participation in federal forest management issues.

## A BILL FOR AN ACT

1 Relating to forestry policy.

2 Whereas forested lands comprise some of the most important environmental, economic and rec-  
3 reational resources in the State of Oregon; and

4 Whereas forested lands are increasingly jeopardized by the risk of catastrophic fires fed by ex-  
5 cess forest fuels; and

6 Whereas reducing the risk of catastrophic forest fires through proper forest management is of  
7 interest to all of Oregon's residents; and

8 Whereas proper forest management would restore structural diversity of forest stands, enhance  
9 wildlife habitat and create other ecological and social benefits; and

10 Whereas federal and state funds are not sufficient to carry out the necessary management ac-  
11 tivities to reduce the risk of catastrophic fire and to restore ecological values on forestlands; and

12 Whereas fire suppression costs affect federal, state and county treasuries; and

13 Whereas increased participation by the residents of this state and by state agencies in the de-  
14 velopment of federal policies toward federal forestlands may improve the management of those lands;  
15 and

16 Whereas the development of a means to utilize biomass harvested from federal lands in an eco-  
17 nomically beneficial manner will assist in reducing the fire risk without imposing costs on the state;  
18 and

19 Whereas changes in the management of federal forests would produce a range of benefits to  
20 rural communities and for all Oregonians; now, therefore,

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

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

23 **(1) Forested lands in federal, state and private ownership comprise some of the most**  
24 **important environmental, economic and recreational resources in the State of Oregon.**  
25 **However, federal lands, and to a lesser extent state and private lands, are increasingly jeop-**  
26 **ardized by the risk of catastrophic fires fed by the hazardous accumulation of forest fuels.**

27 **(2) Enhancing wildlife habitat and other ecological values and reducing the risk of cat-**  
28 **astrophic forest fires through forest management are of interest to the residents of this**  
29 **state. Federal and state funds have not proven sufficient to carry out the management ac-**  
30

**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 tivities necessary to achieve these goals on federal lands, nor is it likely that the funds will  
2 be available on a continuous basis.

3 (3) The facilitation of the development of new market-based solutions of reducing the risk  
4 of catastrophic forest fires may reduce the requirement for public funding. The development  
5 of biomass-fueled electrical power generation plants may provide one basis for a sustainable,  
6 market-based means for protecting Oregon's forests.

7 (4) Biomass-fueled electrical power generation plants could provide a renewable source  
8 of energy, reduce net greenhouse gas emissions, reduce air pollution from wildfires, improve  
9 fish and wildlife habitat, create jobs and provide an economic benefit to rural communities.  
10 Through the collection of forest biomass, ancillary benefits could be realized through the  
11 improvement in forest health, protection of electric transmission lines and stabilization of  
12 soils within critical watersheds.

13 (5) The policy of this state is to support efforts to build and place in service biomass-  
14 fueled electrical power generation plants that utilize biomass collected from forests or de-  
15 rived from other sources, such as agricultural or municipal waste.

16 **SECTION 2.** To accomplish the policy established in section 1 of this 2005 Act, the State  
17 Forester shall perform the following duties:

18 (1) Establish a policy of active communication with the federal government regarding the  
19 utilization of biomass from federal lands. The State Forester shall actively utilize statutory  
20 provisions of the National Forest Management Act of 1976, the Forest and Rangeland  
21 Renewable Resources Planning Act of 1974, the National Environmental Policy Act of 1969  
22 and the Federal Land Policy and Management Act of 1976 that allow the state to participate  
23 in federal policy development in a manner that expresses the policy established in section 1  
24 of this 2005 Act.

25 (2) Promote public understanding, through education and outreach, of the quantity and  
26 quality of biomass available on federal lands and the potential for biomass utilization to as-  
27 sist in reducing fire risk and enhancing forest health. The State Forestry Department may  
28 serve as an information resource for persons seeking to utilize biomass for energy develop-  
29 ment and may conduct inventories of the types of biomass available. The department may  
30 coordinate with the State Department of Energy, the Economic and Community Development  
31 Department, Oregon State University, the Oregon Forest Resources Institute or other enti-  
32 ties in any education and outreach performed pursuant to this subsection.

33 (3) Promote public understanding that biomass utilization is an effective tool for resto-  
34 ration of forests and for economic development in rural communities.

35 (4) Develop and apply, with advice from the forestry program at Oregon State University,  
36 the best available scientific knowledge and technologies pertaining to biomass utilization  
37 when developing rules under ORS 527.630.

38 (5) Seek opportunities to provide a reliable and sustainable source of biomass from fed-  
39 eral, tribal and state forests.

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

41 (1) The State Forestry Department is uniquely suited, due to experience in managing  
42 Oregon forests and understanding of the proper methods of forest management, to partic-  
43 ipate in forest management on federal lands located within the state.

44 (2) A collaborative relationship between the State Forestry Department and the federal  
45 government for the management of federal forests would improve federal forests by in-

1 **creasing the information shared and by providing a local perspective on site-specific deter-**  
 2 **minations.**

3 **(3) The federal government has provided opportunities for state agencies to become in-**  
 4 **involved to a greater extent in the management of federal lands through the use of the**  
 5 **stewardship contract agreements.**

6 **(4) Stewardship contract agreements incorporate principles of ecosystem and forest**  
 7 **health management that view the forest as a whole, placing value on ecological benefits as**  
 8 **well as commercial uses, and emphasize forging strong partnerships with rural communities**  
 9 **in formulating the goals for the forest as well as accomplishing the necessary harvest and**  
 10 **management goals.**

11 **(5) The policy of this state is to encourage the cooperative management of federal**  
 12 **forestlands by the State Forestry Department and the federal government through**  
 13 **stewardship contract agreements, participation in the development of federal policy and**  
 14 **participation in the forest management planning processes of federal agencies.**

15 **SECTION 4. In furtherance of the policy established in section 3 of this 2005 Act, the**  
 16 **State Board of Forestry shall:**

17 **(1) Pursuant to Public Law 108-7 (2003), direct the State Forester to seek and enter into**  
 18 **stewardship contract agreements with federal agencies to carry out forest management ac-**  
 19 **tivities on federal lands. The State Forester may, under the stewardship contract agree-**  
 20 **ments:**

- 21 **(a) Perform road and trail maintenance;**
- 22 **(b) Set prescribed fires to improve forest health, composition, structure and condition;**
- 23 **(c) Remove vegetation and small diameter trees;**
- 24 **(d) Perform watershed restoration and maintenance;**
- 25 **(e) Restore wildlife habitat; and**
- 26 **(f) Control exotic weeds and species.**

27 **(2) Create a forum for public discussion about federal forest management issues that**  
 28 **may include, at the discretion of the board, the appointment of advisory committees, the use**  
 29 **of existing advisory committees and procedures for holding public hearings.**

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

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

35 **(5) Provide guidelines for the department to follow in implementing this section.**

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