

# Natural Resources

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## 2021 Legislative Session

Another Committee we will be following since we understand that most land use bills will be in House Rules! Here is a list of current bills [assigned](#) to House Rules.

You can find agendas on <https://www.oregonlegislature.gov/>. You can subscribe to get agendas of these committees [here](#).

## Budgets (Peggy Lynch)

The Ways & Means Natural Resource Subcommittee was provided an [orientation](#) on the budget process on Feb. 27. You can listen to the hearing and/or read the meeting materials. There is also a PowerPoint with lots of numbers. One comment heard was that we need to focus on a

\$1.7 billion shortfall right now. Here's the tentative schedule for agency budget presentations. Legislative Fiscal Officer Matt Stayner mentioned that presentations may go into MAY!

The tentative order of budget presentations hearings is listed below. 1. Department of Geology and Mineral Industries 2. Parks and Recreation Department 3. Land Use Board of Appeals 4. Department of Land Conservation and Development 5. Marine Board 6. Department of Energy 7. Department of State Lands 8. Columbia River Gorge Commission 9. Water Resources Department 10. Watershed Enhancement Board 11. Department of Environmental Quality 12. Department of Agriculture 13. Department of Fish and Wildlife 14. Department of Forestry.

The DOGAMI budget (HB 5010) starts on Monday with agency testimony. Public testimony will be allowed on Feb. 3 where LWVOR will provide written and oral testimony as we advocate for saving some important Oregon scientists from the chopping block. We do, however, support moving the two divisions to other agencies.

The Land Use Board of Appeals (LUBA) budget (SB 5531) will be heard on Feb. 15. They are requesting another staff attorney due to their workload, including complicated appeals and staff turnover. The League will support adding this position as a Limited Duration for two years to see if this second position is needed long term. They are also asking for a fee increase (HB 2110) from \$200 to \$300 while removing the separate \$200 deposit that is currently required. The League supports the work of LUBA as it provides a separate court focused on determining land use cases based on the law. They usually defer to local governments to interpret their own codes, but those codes must be administered under the law.

## Air Quality (Susan Mates)

[Hydrogen fuel cell vehicles](#) (FCEVs) will be an important part of alleviating our climate and air pollution, particularly for heavy duty

vehicles. [The Joint Committee on Transportation](#) heard a [good informational overview](#) on FCEVs on Jan. 28.

[Rulemaking for the HB 2007 Retrofit Compliance](#) continues to hammer out the specifics of how businesses will demonstrate that their equipment meets the new standards. Some members pointed out that there need to be strong ways to hold companies accountable, and that, although every effort is being made to prioritize small businesses, there will not be enough funding to carry them all. Retrofits are just one tool for [reducing diesel emissions in the tri-county area](#).

Reminder: [Feedback](#) for the Draft CAO [Community Engagement Toolkit](#) is due by February 12. This Toolkit is intended to help address environmental justice issues and get people involved earlier in the permitting process. You can provide input at [The DEQ issued penalties for recent air pollution permit violations](#) that included [three penalties](#) of nearly \$200,000.

## Arlington Radioactive Waste (Shirley Weathers)

LWVOR will provide testimony on [SB 246](#), designed to address statutory updates needed to better address and prevent illegal radioactive waste dumping. No other legislation on this matter is contemplated this session, but a public hearing on proposed rule changes to OAR 435.029, Notice of Violation, Civil Penalties, Revocation or Suspension developed over the past year was held remotely on January 22, 2021. [Public Notice](#) of the comment period includes text of draft rules and sets a deadline and for written comments on February 10, 2021, 5:00 p.m. The LWVOR participated on the rulemaking advisory committee and will submit comments in support of the draft rules.

## Department of Environmental Quality

[SB 286](#) would replace the current Environmental Justice Task Force and establish the Environmental Justice Council within DEQ, direct the council to develop cumulative impact analysis of environmental burdens borne by impacted communities, and report to the Governor with guidelines on how natural resource agencies would have to apply the required analysis. Director Whitman said DEQ's strategic plan needs to include a value statement about equity. He asked the Environmental Quality Commission to advise the agency in their March meeting. He suggested some key starting concepts. See slide 9 of the slide presentation posted [here](#). LWVOR will enthusiastically support this bill and the accompanying budget request from DEQ.

## Environmental Public Health

The Oregon Health Authority (OHA) is asking the legislature to invest \$30 million to modernize our public health system and include links to equity, climate risks, and community-based organizations towards environmental health risks. POP 417 in their agency budget (HB 5024) will be part of OHA's budget presentation starting on Feb. 2. Public testimony is tentatively scheduled for Feb. 9.

## Forestry (Josie Koehne)

Several bills concerning timber taxes are related to the Oregon Forest Products Harvest tax (FPHT) which in part funds OFRI. The tax is paid by everyone who harvests timber in Oregon on both private and public lands, with the exception of tribal lands. The tax is based on the volume of timber harvested measured in thousand board feet times a dollar amount that is set annually by the Department of Revenue based on previous year's log prices, volumes and other factors. This past year the rate is \$4.13 per thousand board feet for commercial timber (owners with > 5000 acres of forestland). This tax revenue is brings in between \$14-16 million annually and is distributed to timber-related programs as shown here:

[OPB reported recently](#) that publicly-funded OFRI agency's board is strongly aligned with timber interests and alleges that ORFI has not properly followed state regulations concerning its operations. The harvest tax provides a large proportion of OFRI's funding.

The [Oregon Conservation Network](#), is a coalition of over 30 organizations throughout the state who together work to pass pro-conservation priorities. LWVOR is an OCN member, along with the Wild Salmon Center and Oregon Wild. OCN has recently selected as one of their Priorities for a Healthy Oregon [HB 2357](#), sponsored by Representatives Holvey, Salinas, Pham, Wilde and Senator Golden, which would eliminate the funding for the Oregon Forest Resources Institute and would create a new Sound Forest Practices Subaccount of ODF with revenue from a revised harvest tax. ODF would develop and apply sound forestry practices to:

- Promote forest health
- Incorporate regulation or monitoring of pesticide use in forests
- Employ adaptive resource management
- As related to forest management, advance climate science or climate policy

The tax rate would be set by the Department of Forestry, not to exceed 75 cents per thousand board feet and adjusted annually for inflation. The Sound Forest Practices Subaccount would be run by the State Forester for the State Forestry Department. They could enter into stewardship contracts utilizing private contractors to develop and apply sound forestry practices to carry out forest management activities on federal lands.

Four other bills have been introduced so far that are related to the harvest tax. The Governor introduced a bill which annually approves the harvest tax in [HB 2070](#) and appropriates its revenue as usual to several funds for the administration of the Forest Practices Act, fire suppression,

OSU forest research, and OSU forestry education but omits funding for OFRI.

Other bills bring back a severance tax based on the value of the timber harvested, with and without the harvest tax, and several would return the proceeds to the counties in proportion to their harvests. One of Rep. Holvey's bills, [HB 2379](#) repeals the harvest tax altogether and instead imposes a new severance tax of 5% tax based on the value of the timber at harvest (rather than the volume in board feet as in the harvest tax) to fund a new Emergency Wildfire Fund and 25% would be returned to the counties where the timber was to be used for wildfire preparedness, 15% would finance the administration and monitoring of the Oregon Forest Practices Act and the remaining 10% would fund forest research. 5% would go to the Land Protection Fund for use by communities for fire and smoke safety preparedness, home hardening and community resilience.

Other bills aim to incentivize climate-smart practices for longer harvest rotations, and disincentivize using clearcutting methods.

A timber bill study group of about six volunteers is meeting weekly to assess the merits and weaknesses of each of the thirty or so bills posted so far. The group will be meeting with legislators to review bill concepts and coordinate on the best ideas prior to the bills' committee review in House Agriculture & Natural Resources in the upcoming weeks. We will keep you posted.

## Land Use/Housing (Peggy Lynch)

"In the short run, Juntunen said Oregon needs to produce between 30,000 and 40,000 new housing units per year over the next five years. But only around 20,000 units currently are being built, or between one-half and two-thirds of the need.

The analysis also broke down the needed affordability of the units. It found that 29% of them will require public subsidies to be affordable to

families earning 50% or less of the median household income, or MHI. An additional 17% likely will require public subsidies to be affordable to families earning between 50% and 80% of the MHI.

"The current land use planning system is not designed to address housing affordability or fair housing," Juntunen said. "The scale of need is beyond our current collective capacity to meet it." From an article in [Pamplin Media](#).

A hearing was held in House Housing on Jan. 28 and another is scheduled for Feb. 2 on HB 2283. The bill allows land divisions to separate dwelling units for new middle housing allowed in cities. The League is generally supportive of this idea as it will allow more people to actually buy these smaller units. The concept was discussed during rulemaking on HB 2001 (2019).

## Office of Emergency Management

The House Veterans and Emergency Management Committee heard an overview of the Office of Emergency Management on Jan. 28. The [slide show](#) is worth watching. They are playing an important role not only around Covid, but now our September Wildfires.

## Parks

SB 29 would return the State Capitol State Park to the Dept. of Administrative Services from State Parks. This bill is interesting to LWWOR since we objected to the move to State Parks a number of years ago. The Governor is asking \$3.5 million to help fund the transfer. There is a Feb. 2 hearing on the bill.

## Recreation

Bicycling contributed \$1.9 Billion to [the Oregon's economy](#) in 2019.

## Recycling

LWVOR will be following the Dept. of Environmental Quality's new [Recycling Modernization Program](#) and HB 2065.

## Water (Peggy Lynch)

HB 2142, a bill to increase water permit fees in the Water Resources Dept., received a first hearing in House Water on Jan. 28. The League usually supports these every-four-year fee increases to be sure the department has staff to fairly and efficiently process permit applications. The fees are meant to provide 50% of the costs for this division while the General Fund provides the other 50%. The committee heard from the permit fee payers that this increase is too much and are currently opposed. They point out that other agencies are also asking for fee increases and the cumulative effect this session is more than they can support. LWVOR will reach out to legislators and stakeholders to find a solution that increases these fees while addressing permittee concerns. An increase is critical to provide agency staff to help protect Oregon's waters.

We will listen to recommendations from the Harmful Algal Blooms Workgroup in the House Water Committee that was rescheduled to Feb. 4. We look forward to state action on this important public health issue.

The League will again support monies for the On-Site Septic System Loan Program (HB 3090) for low-income homeowners and small businesses to protect our water.

Hemp is a relatively new crop and some hemp growers are unaware of their responsibilities related to water permitting and what water is available for use. A [hemp water audit](#) was conducted.

## Wildfires

The House Committee on Wildfire Recovery met on [Jan. 25](#) to begin discussion on their responsibilities this session. Matt Garrett, the Governor's Director of Wildfire Recovery provided the Wildfire Economic Council's [recommendations](#). Commissioner Hoyle shared that she heard from one of her constituents: "nothing about us without us".

The [53-page summary report](#) for the Holiday Farm Fire details many risks left behind by the 173,000-acre fire and was reported on by [KEZI TV](#) in Eugene. Bill Burns, a geologist with the Oregon Department of Geology and Mineral Industries, said one threat facing all fire areas is landslides.

Summaries and full reports for the Beachie Creek, Archie, Holiday Farm and Riverside can be found [here](#).

The Oregon Department of Forestry Partnership and Planning Program reached out to internal and external partners regarding the Oregon Legislative Emergency Board (E-Board) funding for the remainder of the current biennium (ending June 30th, 2021). They have invited groups to submit proposals for projects that support community fire resilience and restore or maintain forest landscapes across all ownerships, with a proposal deadline of February 3. Please see the attached Call for Projects for eligibility information and how to apply. Review of submitted projects will begin the first week of February with initial determinations made by February 8. Successful applicants will be notified as soon as possible.

## Volunteers!

We are excited that we may have someone to follow Recycling Modernization (HB 2065), another with an interest in forestry and a third around plastics usage (HB 2365, SB 537 and SB 14). If any of you



want to follow one bill or an issue, reach out. We're always ready to help!