



Certified Burn Manager Rules Advisory Committee

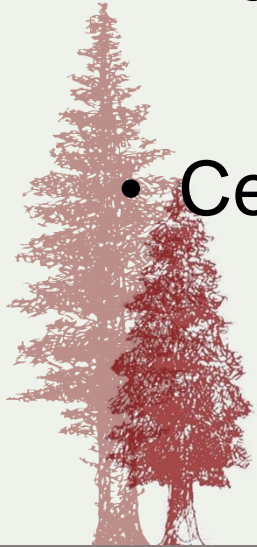
August 18th, 2021

Tim Holschbach
Deputy Chief – Policy & Planning
503-945-7434
tim.j.holschbach@oregon.gov



Topics on the agenda

- Governor's Wildfire Response Council
- Senate Bill 762, Section 26
- Role of the Rules Advisory Committee (RAC)
- Certified Burn Manager timeline



Governor's Wildfire Response Council

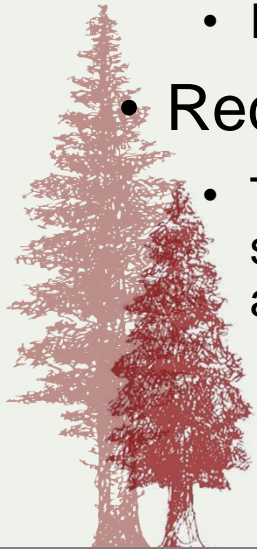
Senate Bill 762 largely consists of the recommendations of the Governor's Wildfire Response Council.

- Rec. #19: Program Expansion

- Expansion of use of prescribed burns via Community Resiliency and Smoke Mitigation Grant Program and policy adjustments.
- Expansion of restoration treatments on rangelands

- Rec. #20: Long-Term Barriers

- The pace and scale of annual treatments must be increased 3-4x, on a sustainable basis to achieve the 20-year goal of treating 5.6 million acres.



Senate Bill 762

Section 26

SECTION 26. ORS 526.360 is amended to read:

526.360. (1) The State Board of Forestry, [and the forester] the State Forester and forest protective associations may assist to the extent [possible] practical in developing, for forestry, grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such uses, including the burning of brush or other flammable material for the purpose of:

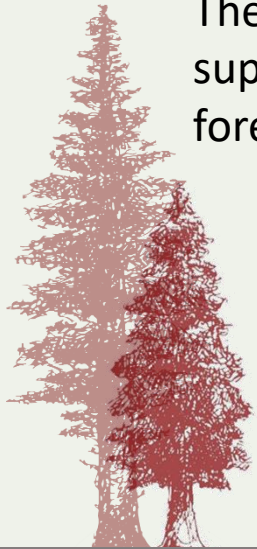
- (a) Removing a fire hazard to any property;
- (b) Preparing seed beds;
- (c) Removing obstructions to or interference with the proper seeding or agricultural or grazing development or use of that land;
- (d) Promoting the establishment of new forest crops on cutover, denuded or underproductive lands;
- (e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to 527.370; or
- (f) Promoting improvements to forest health, including improvements to fish and wildlife habitat.



Senate Bill 762

Section 26

(2) Upon request of the owner or the agent of the owner of any forestland classified pursuant to ORS 526.328 or 526.340, the forester **or a forest protective association** may perform or supervise burning operations thereon for any of the purposes stated in subsection (1) of this section. The owner or the agent of the owner shall supply such personnel and equipment and shall perform such fire control actions and activities as the forester **or forest protective association** may require while there is danger of the fire spreading. The forester **or forest protective association** may refuse to perform or supervise burning or to issue any burning permit when, in the judgment of the forester **or forest protective association**, conditions so warrant.



Senate Bill 762

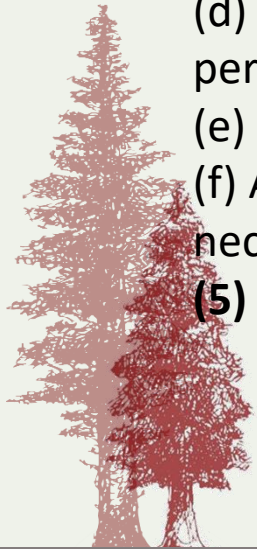
Section 26

(3) To accomplish the purposes set forth in subsection (1) of this section, the [*State Board of Forestry may*] **board shall** establish by rule a Certified Burn Manager program.

(4) The rules shall include:

- (a) Certification standards, requirements and procedures;
- (b) Standards, requirements and procedures to revoke certification;
- (c) Actions and activities that a Certified Burn Manager must perform;
- (d) Actions and activities that a Certified Burn Manager may not allow or perform;
- (e) Limitations on the use of a Certified Burn Manager; and
- (f) Any other standard, requirement or procedure that the board considers necessary for the safe and effective administration of the program.

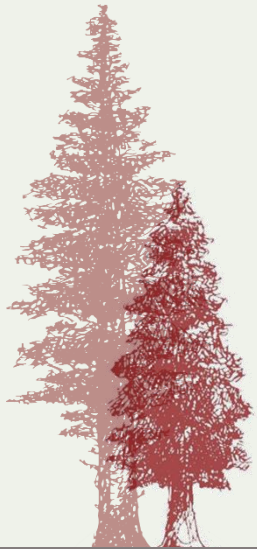
(5) The rules may establish and impose fees for participation in the program.



Senate Bill 762

Section 26

(5) The rules may establish and impose fees for participation in the program.
[[4)] **(6)** When *[any]* a burning for any of the purposes stated in subsection (1) of this section on forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and supervised by the forester, **a forest protective association** or a Certified Burn Manager, *[no]* a person *[shall]* **may not be held** liable for property damage resulting from that burning unless the damage is caused by the negligence of the person.

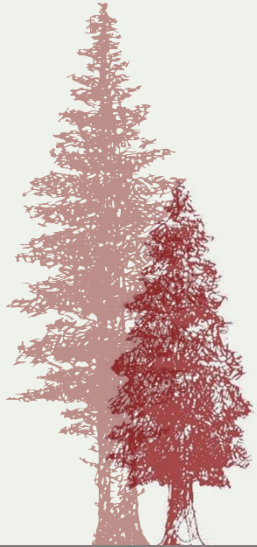


Senate Bill 762

Section 27

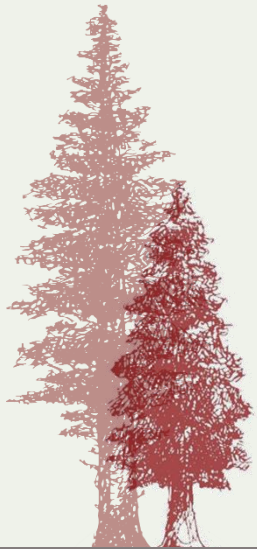
SECTION 27. By December 1, 2021, the State Board of Forestry shall:

- (1) Consult with the Oregon Prescribed Fire Council concerning best practices for conducting the Certified Burn Manager program described in ORS 526.360;**
- (2) Initiate rulemaking to establish the program; and**
- (3) Report in the manner provided in ORS 192.245 to an appropriate committee or interim committee of the Legislative Assembly on progress the board has made in establishing and implementing the program and when the board expects to launch the program.**



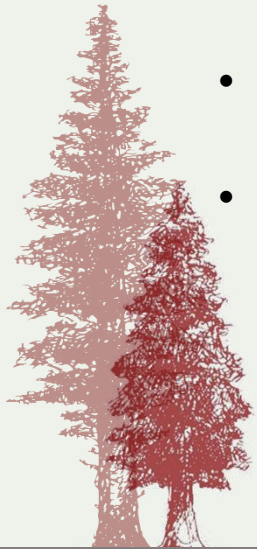
Role of the Rules Advisory Committees (RAC)

- Advise the Department in developing a Certified Burn Manager Program
 - Certification standards, requirements and procedures;
 - Standards, requirements and procedures to revoke certification;
 - Actions and activities that a Certified Burn Manager must perform;
 - Actions and activities that a Certified Burn Manager may not allow or perform;
 - Limitations on the use of a Certified Burn Manager; and
 - Any other standard, requirement or procedure that the board considers necessary for the safe and effective administration of the program.



Certified Burn Manager RAC Timeline

- Initiated rulemaking related to SB 726 at the July 2021 Board of Forestry (BOF) meeting
- RAC
- Draft rule package presented to the Board of Forestry
- Present to BOF for Board approval
- Public hearing process
- Publish final rule



The logo of the Oregon Department of Forestry is a circular emblem. It features a central shield with a landscape scene: a mountain range in the background, a line of evergreen trees in the middle ground, and a body of water in the foreground. The word "OREGON" is arched across the top of the shield, and "DEPARTMENT OF FORESTRY" is arched across the bottom. The entire emblem is set within a larger circular border.

Questions?

Tim Holschbach
Deputy Chief – Policy & Planning
503-945-7434

tim.j.holschbach@oregon.gov